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NORTH TODD GENTRY

THE BENCH AND BAR OF BOONE COUNTY

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THE BENCH AND BAR OF BOONE COUNTY, MISSOURI

INCLUDING THE HISTORY OF JUDGES, LAWYERS AND
COURTS, AND AN ACCOUNT OF NOTED CASES,
SLAVERY LITIGATION, LAWYERS IN WAR
TIMES, PUBLIC ADDRESSES,
POLITICAL NOTES, ETC.

ILLUSTRATED

BY
NORTH TODD GENTRY
OF THE COLUMBIA BAR

PUBLISHED BY THE AUTHOR
COLUMBIA, MISSOURI
1916

PRESS OF E. W. STEPHENS PUBLISHING COMPANY
COLUMBIA, MISSOURI

1239414

This Book is Respectfully Dedicated

to

The Lawyers

and

County Officials of 1821 to 1847.

Whose Love of Justice and Patriotism was such as to inspire
Dr. William Jewell, an honored citizen of Boone
county, to write the inscription over the
front door of the old court house,

"Oh! Justice, when expelled from other habitations,
make this thy dwelling place."

Barnes \$7.50

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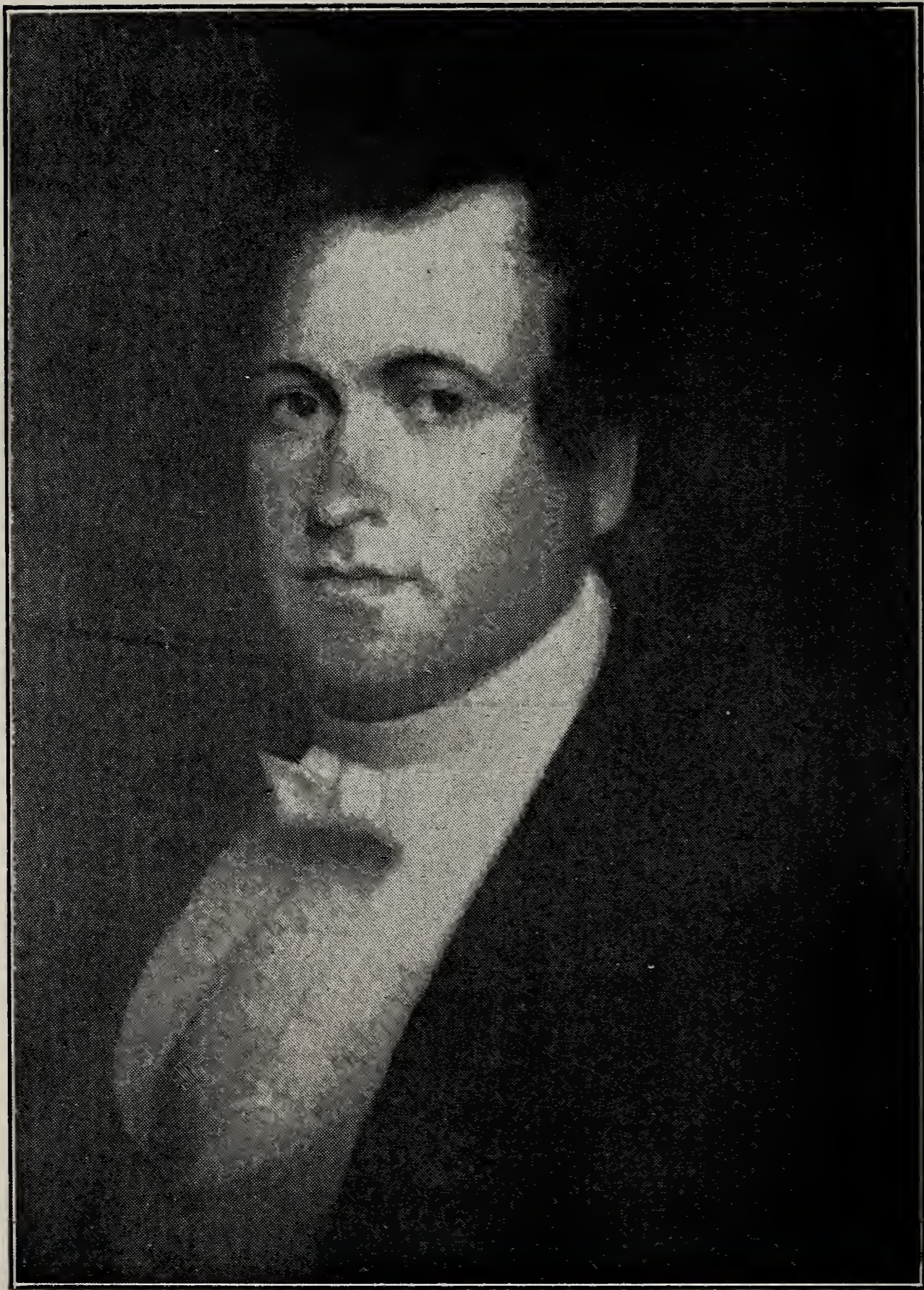
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JUDGE DAVID TODD

INTRODUCTION

THE purpose of this book has been to collect and preserve the history of the judges and lawyers of Boone county, both those of today and those who have finished their work. It has been difficult to obtain much information of some of the early lawyers, especially Messrs. Wheeler and Lane, who lived in Smithton, although deed records, will records, court records and early newspapers have been carefully searched. It is a matter of regret that such a book as this was not written by some one better qualified, and at a time when more information could be obtained. But if it contains a few words of praise justly due those who laid the foundations of such a noble profession in this county, and if some of the valuable history of that profession can be preserved, it is believed that this book will fill a useful place.

The author is indebted to Hon. E. W. Stephens for the articles about Judge David Todd, Col. E. C. More and Col. Jas. H. Moss; and indebted to Judge Jno. F. Philips, Judge Lewis M. Switzler, Senator Frank G. Harris and Mr. C. B. Sebastian for the copies of the addresses delivered by them, appearing herein. And thanks must also be extended to Jas. E. Boggs and R. S. Pollard for many courtesies extended in the circuit clerk's office; to John L. Henry and C. W. Davis for similar courtesies in the county clerk's office; and to Judge Jno. F. Murry for the use of the probate records.

An effort was made to secure pictures of all of Boone's early lawyers, especially Hon. Jno. B. Gordon, Attorney General Wm. A. Robards, and others, but relatives of those men have no pictures of them, and it is believed that none are in existence. But it is fortunate that we have pictures of David Todd, the first circuit judge, Lazarus Wilcox, the first county judge, Warren Woodson, the first probate judge, and John Slack, the first justice of the peace.

While mention is here made of the many public positions held by the lawyers and judges of this county, mention should also be made of the work done by them outside of official positions, as counselors, many times without fee or reward, as friends of the court, and as patriotic and public spirited citizens of our county and our commonwealth. Many Boone county lawyers have been active in churches, lodges and schools, and in numerous organizations of a military and civic nature; and some of them have become men of state and national reputation.

In the history of Boone county, in the history of the various municipalities and municipal townships of the county, and especially in the history of our business and philanthropic organizations and in our county's progressive enterprises, the bench and bar have been prominent, and judges and lawyers have done their whole duty.

N. T. G.

THE BENCH AND BAR OF BOONE COUNTY

CHAPTER I

BAR ASSOCIATION

OFFICERS OF 1913-1915

President, N. T. GENTRY
Vice President, CHAS J. WALKER
Secretary, L. T. SEARCY
Treasurer, HARVEY D. MURRY

FORMER PRESIDENTS

1860-1878, ODON GUITAR
1878-1908, WELLINGTON GORDON
1908-1913, LEWIS M. SWITZLER

FORMER SECRETARIES

CURTIS FIELD, JR.
LEWIS M. SWITZLER
C. B. SEBASTIAN
J. H. MURRY
JAS. E. BOGGS
H. A. COLLIER

CONSTITUTION AND BY-LAWS

On May 9, 1913, Messrs. Lee Walker, M. R. Conley, Boyle G. Clark and H. D. Murry, committee, reported to the Boone County Bar Association the following Constitution and By-laws, which were unanimously adopted.

CONSTITUTION

ARTICLE I—NAME

Section 1. This association shall be called "The Boone County Bar Association."

ARTICLE II—OBJECT

Section 1. This association is established to promote and maintain the honor and dignity of the profession of the law, to cultivate mutual confidence and social intercourse among its members, and for the promotion of legal science and the administration of justice.

ARTICLE III—MEMBERSHIP

Section 1. Any member of the profession in good standing, residing or practicing in Boone county may become a member by a vote of the association on the recommendation in writing of two members of the association in good standing. Any member of the profession, not residing in, but practicing in Boone county, may in like manner become a member of this association, having the privileges of the same except the right of voting.

ARTICLE IV—OFFICERS AND COMMITTEES

Section 1. The officers and committees of this association shall consist of a president, a vice president, a secretary, a treasurer, and a grievance committee, consisting of three members; which said officers and grievance committee shall constitute a general executive committee which shall manage all the affairs of the association subject to the constitution and by-laws and shall hold their offices until their successors are duly elected.

ARTICLE V—MEETINGS

Section 1. An annual meeting, for the election of officers and such other business as may be deemed proper, shall be held on the third Monday in December of each and every year of which due notice shall be given by the president and secretary.

Section 2. A meeting of the association shall be held during each regular term of the circuit court at such time and place as may be designated by the president or the executive committee which shall be called a "term meeting".



SUGAR TREE IN SMITHTON

Section 3. Special meetings may be called by the president or executive committee at any time, and also upon the written request of five members of the association, at which no business shall be transacted except such as shall be designated in the call. Seven members of the association shall constitute a quorum at any meeting.

Section 4. The officers elected as above provided shall assume their duties immediately after their election, and if for any reason officers are not elected at the time for holding the regular annual election, an election of officers shall be held at the first regular "term meeting" thereafter and the officers so elected shall immediately assume the duties of their office.

ARTICLE VI—ANNUAL DUES

Section 1. Each member of the association residing in Boone county shall pay two dollars annually in advance on or before the second Monday of December of each and every year and no member of the association delinquent in the payment of his dues shall be entitled to vote.

ARTICLE VII—SUSPENSIONS

Section 1. Any member of the association may be suspended or expelled for misconduct in his relation to this association or in his profession on conviction in such manner as may be prescribed by the by-laws.

ARTICLE VIII—ELECTIONS AND TERMS

Section 1. All elections to membership or office shall be by ballot and all officers and committees shall be elected at the annual meeting held for that purpose on the third Monday in December, and shall hold office until their successors are duly elected. Any vacancy in office may be filled by the executive committee until the regular annual election or until the next term meeting at which said office may be filled by election.

ARTICLE IX—FORFEITURE OF MEMBERSHIP

Section 1. Any member of the association residing in Boone county who shall fail or neglect to pay his annual dues for a period of six months after they become due shall forfeit his membership in the association and the secretary upon receipt of notice of such

delinquency shall strike his name from the rolls, provided that such member shall be reinstated upon the payment of his dues at any time within six months thereafter, nor shall any delinquent member be entitled to vote at any election.

BY-LAWS

I. PRESIDENT AND VICE PRESIDENT

The president, and in his absence the vice president, shall preside at all meetings of the association.

II. SECRETARY

The secretary shall keep a record of the proceedings of all meetings and of all other matters of which a record shall be deemed advisable by the association, and shall conduct all correspondence of the association with the concurrence of the president. He shall notify the officers and members of their election and keep a roll of the members and shall issue notices of all meetings.

III. TREASURER

The treasurer shall collect and disburse all the funds of the association and render an account annually or oftener if required. He shall keep regular accounts which shall be at all times open to the inspection of any member of the executive committee. His accounts shall be audited by the executive committee.

IV. EXECUTIVE COMMITTEE

The executive committee shall meet at least once a month, except in July, August and September. It shall have power to make such regulations, not inconsistent with the constitution and by-laws, as shall be necessary for the protection of the association, and for the preservation of good order in the conduct of the affairs of said association. It shall keep a record of its proceedings, which shall be read at the ensuing meeting of the association, and it shall be the duty of said committee to present business for the action of the association. It shall have no power to make the association liable for any debts for more than one-half of the amount in the treasurer's hands in cash, and not subject to prior liabilities.

V. ORDER OF BUSINESS

At each annual, term, adjourned or called meeting of the association, the order of business shall be as follows:

1. Reading of minutes of preceding meeting.
2. Report of executive committee.
3. Report of treasurer.
4. Elections, if any.
5. Report of standing committees.
6. Report of special committees.
7. Miscellaneous business.

This order of business may be changed by vote of a majority of the members present.

The parliamentary rules established by the last House of Representatives of the General Assembly of Missouri, except as otherwise provided, shall govern all meetings of the association.

VI. REQUIREMENTS OF CANDIDATES ELECT

If any person elected does not, within one month after notice of his election, signify his acceptance by signing the constitution and by-laws, he shall be deemed to have declined to become a member.

VII. COMMITTEE ON GRIEVANCES

Whenever any complaint shall be preferred against a member of the association, for misconduct in his relation to this association or in his profession, the member or members preferring such complaint shall present it to the committee on grievances, in writing, and subscribed by him or them, plainly stating the matter complained of, with particulars of time, place and circumstances.

The committee shall thereupon examine the complaint, and if it is of the opinion that the matters therein alleged are of sufficient importance, shall cause a copy of the complaint, together with a notice of not less than five days, of the time and place when the committee will meet for the consideration thereof, to be served on the member complained of, either personally or by leaving the same at his place of business during office hours, properly addressed to him. If, after hearing his explanation, the committee shall deem it proper that there should be a trial of the charge, it shall cause a similar notice of five days of the time and place of trial to be served on the party complained of. At any time and place appointed, or at such other time as may be granted by the committee, the member complained of shall

file a written answer or defense; or should he fail to do so, the committee may proceed thereupon to the consideration of the complaint.

The committee shall thereupon and at such other times and place as it may adjourn to, proceed to try the said complaint, and shall determine all questions of evidence.

The complainant and the member complained of shall each be allowed to appear personally and by counsel, who must be members of the association. The witnesses shall vouch for the truth of their statements on their word of honor. The committee shall have power to summon witnesses, and, if members of the association, a neglect or refusal to appear may be reported to the association, and treated as misconduct.

The committee, of whom at least two must be present at the trial, except that a less number may adjourn from time to time, shall hear and decide the allegations and proofs thus submitted to it, and if it finds the complaint, or any part of it, to be true, it shall so report to the association with its recommendation as to the action to be taken thereon.

The decision of the committee shall be served on the member complained of, and if the decision be that the complaint, or any part thereof is true, and in that case only, the committee shall also serve a copy of the complaint, answer and decision on the president of the association, and if requested by either member or members complaining, or the member complained of, shall annex thereto a copy of the evidence taken, which said documents shall be regarded as a report of the committee of the association.

The president shall thereupon call a special meeting of the association, on a notice of not less than ten days, for the consideration of the report, specifying in the call the object thereof; and of which special meeting the member complained of shall have due notice.

The association shall thereupon proceed to take such action on said report as they may see fit, provided only that no member shall be expelled unless by the vote of two-thirds of the members present and voting.

Whenever a trial shall be determined on, the member complained of may object peremptorily to any one or more of the committee, not exceeding two; and the places of those objected to shall be supplied from the members of the association by the remaining members of the committee for the purposes of the trial.

Whenever specific charges of fraud, or gross unprofessional conduct, shall be made in writing to the association against a member of the bar not a member of the association, or against a person

pretending to be an attorney, or counsellor-at-law, practicing in Boone county, said charges shall be investigated by the committee on grievances; and if, in any such case, said committee shall report in writing to the executive committee that, in its opinion, the case is such as requires further investigation or prosecution in the courts, the executive committee may appoint one or more members of the association to act as prosecutor, whose duty it shall be to conduct the further investigation or the prosecution of such offender, under the instructions and control of the committee on grievances.

Whenever any complaint shall be made in writing to the association concerning any other grievances touching the administration of justice, the committee on grievances shall make such preliminary investigation into the same as it may deem necessary in order to determine whether it is expedient that any further action shall be taken thereon. Should such further action be, in its opinion, expedient, the committee shall report in writing to the executive committee that, in its opinion, the charge or charges are of such a character as require further investigation. Thereupon the executive committee may direct such further investigation by the committee on grievances, or other wise, as it may deem most suitable to the case. Upon the termination of such investigation, a report thereon shall be made to the executive committee, and if the said committee shall find the complaint or any material part of it to be of such a nature as to require action by the association, it shall so report to the association with its recommendations as to the action to be taken thereon, and it may also report the evidence taken or any part thereof.

The reasonable disbursement of the committee on grievances for expenses incurred in any such investigation or prosecution, may be paid out of the funds of the association, under the direction of the executive committee.

All the foregoing proceedings shall be kept secret, except as their publication is hereinbefore provided for, unless otherwise ordered by the association.

The executive committee shall from time to time appoint a member of the association to be the attorney for the committee on grievances, whose duty it shall be to investigate, when his attention shall be called thereto, any matter touching the administration of justice, upon which the committee is by this by-law authorized to act, and all cases (1) of misconduct of a member of the association in his relations to the association or in his profession, (2) of alleged fraud or unprofessional conduct on the part of any member of the bar of this state, practicing in Boone county, whether a member of this asso-

ciation or not, and (3) or persons pretending to be attorneys or counsellors-at-law, but not regularly licensed and admitted to practice.

Where the said attorney shall deem that there is sufficient ground therefor, and no complaint or specific charges in writing shall have been made by any other person, it shall be his duty to act as the complaining party, to formulate and present to the committee on grievances a complaint or charges in writing and to prosecute the same before the said committee by presenting the evidence in support thereof. If, upon the report of the committee on grievances, upon such complaint or charges, the executive committee shall appoint a member or members of the association to conduct a further investigation or prosecution in relation thereto, it shall be the duty of such attorney to assist the member or members so appointed in such investigation and prosecution.

The said attorney of the committee on grievances shall receive such compensation as to the executive committee may provide to be paid out of the general fund of the association.

VIII. FEES

The association may establish such a schedule of fees for legal service as may be deemed advisable, a copy of which shall be furnished to each member of the association for his private use and for no other purpose.

IX. AMENDMENTS

The constitution and by-laws may be amended at any annual, stated, term or adjourned meeting of the association by a vote of two-thirds of those present; provided that ten days notice, in writing of the proposed amendment has been given to the executive committee and filed with the secretary.

X. RESIGNATIONS

Any member may resign at any time upon the payment of all dues to the association, but no member may resign while charges are pending against him.

CHAPTER II

BOONE COUNTY BAR

ROLL OF ATTORNEYS

Allison, George W., Sturgeon; born in Boone county; admitted to bar in 1876; moved to Kansas in 1879 and became county attorney of McPherson county; now practicing law in McPherson, Kansas.

Allen, Charles K., Cedar township; admitted to bar in 1890; moved to Mexico, Missouri, in 1890; now civil engineer in Pasadena, California.

Anderson, Emmett C., Sturgeon, Centralia and Columbia; born in Browns Station; admitted to bar in 1903; mayor of Sturgeon; city attorney of Centralia for five years; justice of the peace and prosecuting attorney of Boone county two terms; a member of the law firm of Anderson & Tydings; a member of the law firm of Anderson & Sapp; and a member of the law firm of Anderson & Starrett.

Bedford, John R., Columbia; born in Boone county; admitted to bar in 1841; soldier in United States army in Mexican war; killed in Mexico in 1846.

Bond, Thomas B., Sturgeon; admitted to bar in Maryland; enrolled in Boone county in 1859; moved to California in 1861.

Berry, William, Sturgeon; admitted to bar in 1860.

Brand, William H., Columbia; admitted to bar in Cooper county; enrolled in Boone county in 1866; moved to St. Louis and died there.

Brockenbrough, Wm. N., Columbia township; born in Virginia; admitted to bar in 1869; now a farmer near Hallsville, Missouri.

Berkheimer, Wm. L., Centralia; born in Germany; admitted to bar in 1875; moved from Centralia many years ago.

Bliss, Philemon, Columbia; born in Connecticut; moved to New York; thence to Ohio where he was elected judge of circuit court and also elected to Congress; then appointed chief justice of Dakota Territory; moved to St. Joseph, Missouri, and was appointed Curator of Missouri University; elected Judge of Supreme Court of Missouri in 1868; appointed Dean of Missouri University Law School in 1872. which position he held till his death; died at a health resort in Minnesota in August, 1889.

Babb, William J., Columbia; born in South Carolina; admitted to bar in 1876; teacher; justice of the peace and public administrator

of Boone county for two terms; moved to Wichita, Kansas, in 1887; now mayor of Wichita.

Blair, Frank P., Jr., Columbia; admitted to bar in 1880; lieutenant in United States army and teacher in Missouri University Law School; practiced law in Chicago for several years; died in New York in 1913.

Babb, Henry B., Columbia; born in South Carolina; admitted to bar in 1881; moved to Denver in 1890; assistant attorney general of Colorado; now practicing law in Denver.

Babb, Jerry G., Columbia; born in South Carolina; admitted to bar in 1881; justice of the peace and clerk of probate court of Boone county; moved to Wichita, Kansas, in 1888; returned in 1889 and since then secretary of Missouri University.

Booth, Henry S., Centralia; born in Illinois; admitted to bar in 1884; city attorney of Centralia for five terms; justice of the peace of Boone county.

Bass, Everett M., Ashland and Columbia; born in Boone county; admitted to bar in 1886; justice of the peace and assistant prosecuting attorney of Boone county; for some years a member of the law firm of Gordon & Bass, Columbia; died in Columbia in 1905.

Bedford, W. Archie, Columbia township; born in Kentucky; admitted to bar in 1887; public administrator of Boone county; a member of the law firm of Bedford & McElvain; moved to Kentucky but soon returned to Columbia, died in Columbia in 1894.

Boulton, Walter E., Columbia; admitted to bar in 1888; justice of the peace of Boone county; moved to Kentucky in 1900, and became minister in Christian church; now living in Caldwell, Idaho.

Banta, William S., Columbia; born in Henry county; admitted to bar in Henry county in 1890; city attorney of Deepwater, Missouri; moved to Columbia in 1905; justice of the peace of Boone county.

Banks, J. Samuel, Columbia; born in Columbia; admitted to bar in 1894; city attorney of Columbia two terms; justice of the peace of Boone county; moved to St. Louis in 1905; now living in Guthrie, Kentucky.

Barnett, George H., Columbia; born in Boone county; admitted to bar in 1897; city attorney of Columbia; democratic nominee for prosecuting attorney of Boone county at the time of his death; died in Columbia in 1902.

Booth, John N., Centralia; born in Saline county; admitted to bar in 1897; moved West in 1898; now living in Columbia, Missouri.

Bell, Fleetwood, Columbia; admitted to bar in 1899; moved to Prescott, Arizona, in 1899; now practicing law in Orange, California.



OLD TODD HOUSE

Boggs, James E., Columbia; born in Columbia; admitted to bar in 1899; justice of the peace, deputy circuit clerk and circuit clerk of Boone county for three terms; editor of "Missouri Justice"; president of Circuit Clerk's and Recorder's Association of Missouri.

Bruton, Arthur, Centralia; born in Centralia; admitted to bar in 1902; president of Centralia school board; city attorney; police judge and mayor of Centralia; county school commissioner; now practicing law in Centralia.

Blain, William W., Columbia; admitted to bar in 1904; moved to Sedalia, Missouri, in 1905; and became city attorney; now practicing law in Sedalia.

Baird, Arch M., Columbia; admitted to bar in 1908; moved to Kansas in 1909; returned to Missouri in 1910; now practicing law in Cartersville, Missouri.

Barnett, Orville M., Columbia; born in Knox county; admitted to bar in Pettis county in 1894; enrolled in Boone county in 1914; attorney for State University; now living in Columbia.

Clough, Ebenezer N. O., Columbia; admitted to bar in 1854; teacher; police judge of Columbia; justice of the peace of Boone county; president of Lathrop Academy.

Connevey, Wm. L., Columbia, Centralia and Sturgeon; admitted to bar in 1860; editor of "Sturgeon Independent"; and justice of peace of two townships of Boone county.

Cooney, James, Sturgeon; born in Ireland; admitted to bar in 1876; teacher; moved to Marshall, Missouri, and became judge of probate court and prosecuting attorney of Saline county; Congressman for three terms; died in Marshall in 1904.

Cupp, Joseph H., Centralia; born in Chariton county; admitted to bar in Adair county in 1880; moved to Boone county in 1881; city attorney of Centralia; justice of the peace of Boone county; died in Centralia in 1911.

Crumbaugh, J. Ed., Columbia; born in Columbia; admitted to bar in 1881; city attorney of Columbia and justice of the peace of Boone county; now custodian of Missouri University.

Curran, Chas. M., Columbia; admitted to bar in 1884; now living in St. Paul, Minnesota.

Carter, Thomas S., Sturgeon; born in Tennessee; admitted to bar in 1890; private in Southern army in Civil War; mayor, marshal and city attorney of Sturgeon; president of Sturgeon school board; clerk of Sturgeon court of common pleas for seventeen years; editor of

"Sturgeon Leader"; special judge of Sturgeon court of common pleas; died in Sturgeon in 1913.

Coleman, William P., Columbia; born in Virginia; admitted to bar in 1890; teacher; clerk of probate court; died in Columbia in 1895.

Conley, M. Robards, Columbia; born in Columbia; admitted to bar in 1898; teacher in Missouri University Law School; special judge of Boone circuit court; now a member of the law firm of Gillespy & Conley, Columbia.

Carter, Don C., Sturgeon; born in Sturgeon; admitted to bar in 1905; assistant prosecuting attorney of Boone county; city attorney and city councilman of Sturgeon; clerk of judiciary committee of the forty-seventh General Assembly of Missouri.

Clark, Boyle G., Columbia; born in Boone county; admitted to bar in 1906; chairman of democratic city committee of Columbia; now a member of the law firm of McBaine & Clark, Columbia. This firm has been attorney for the Columbia Special Road District, and Wabash Railroad Co.

Collier, H. A., Columbia; born in Saline county; admitted to bar in 1906; city attorney of Columbia; clerk of judiciary committee of the forty-seventh General Assembly of Missouri; now a member of the law firm of Stephens & Collier, Columbia.

Cole, Redmond S., Columbia; born in Andrew county; admitted to bar in 1909; moved to Pawnee, Oklahoma, in 1910; now prosecuting attorney of Pawnee county, Oklahoma.

Chamberlain, S. D., Rocheport; born in Indiana; admitted to bar in Miller county in 1892; enrolled in Boone county in 1910; now in stone business and practicing law at Rocheport.

Douglass, Joseph B., Columbia; born in Kentucky; admitted to bar in 1866; representative, sheriff, and clerk of the county court of Boone county; city councilman of Columbia; general in United States army in Civil War and United States assessor; died in Columbia, 1898.

Douglass, Shannon C., Columbia; born in Columbia; admitted to bar in 1871; city attorney of Columbia for four years; prosecuting attorney of Boone county for six years; a member of the law firm of Douglass & Babb, Columbia; moved to Kansas City in 1884; master in chancery and judge of circuit court of Jackson county, Missouri; now a member of law firm of Douglass & Douglass, Kansas City.

Dudley, William A., Columbia; born in Pike county; admitted to bar in Pike county in 1885; practiced in Boone county in 1891; a member of law firm of Nicklin & Dudley, Columbia; moved to Lincoln

county and served two terms as prosecuting attorney; now practicing law in Troy, Missouri.

Dunn, J. Earl, Columbia; admitted to bar in 1900; historian and lawyer in Oklahoma.

Dinwiddie, Wm. M., Columbia; born in Howard county; admitted to bar in 1909; city attorney of Columbia two terms; prosecuting attorney of Boone county; for some time a member of the law firm of Dinwiddie & Sapp, Columbia.

Daily, Herley S., Columbia; born in Chariton county; admitted to bar in 1911; now practicing law in Columbia.

Davis, Emanuel V., Columbia; born in Nodaway county; admitted to bar in 1912; now engaged in law and abstract business, Columbia.

Ess, Henry N., Columbia; admitted to bar in 1864; now practicing law in Kansas City, Missouri.

Evans, Henry S., Columbia; born in Washington county; admitted to bar in Washington county; enrolled in Boone county in 1891, and engaged in grocery business; left Boone county in 1891; died in Washington county, 1903.

Elam, Oscar B., Columbia; born in Kansas; admitted to bar in 1896; now practicing law in Lawrence county, Missouri.

Evans, George A., Columbia; born in Jasper county; admitted to bar in 1911; now farming near Columbia.

Fleming, James P., Columbia; admitted to bar in 1847; editor of "Columbia Globe".

Forshey, A. O., Columbia; born in Pennsylvania; admitted to bar in 1847; died in Columbia.

Field, Curtis, Jr., Columbia; admitted to bar in 1860; moved to Sedalia; died in Denver, Colorado.

Franklin, Benjamin J., Columbia; admitted to bar in 1866; moved to Kansas City, elected to Congress two terms.

Fitch, Norwood, Columbia; born in Indiana; admitted to bar in 1887; moved to St. Louis and died there in 1911.

Farley, Robert E., Columbia; born in Columbia; admitted to bar in 1892; clerk of probate court of Boone county; now living in Chicago and traveling.

Finley, Ralph T., Columbia; born in Dade county; admitted to bar in 1906; in abstract business for several years; a member of the law firm of Harris & Finley, Columbia; now a member of the law firm of Finley & Sapp, Columbia.

Gordon, John B., Columbia and Columbia township; born in Kentucky; admitted to bar in Kentucky in 1820; enrolled in Boone county in 1827; representative from Boone county five terms; a member of law firm of Gordon & King, Columbia; died in Boone county in 1853.

Gordon, James M., Columbia and Missouri township; born in Kentucky; admitted to bar in 1834; justice of the peace, representative from Boone county, judge of Boone county court; circuit attorney and state senator; died in Boone county in 1875.

Garey, Henry F., Missouri township; admitted to bar in Maryland; moved to Boone county and enrolled in 1847; secretary of curators of Missouri University; returned to Maryland in 1859 and became judge of Baltimore court of common pleas.

Giles, Thomas P., Columbia; admitted to bar in 1847; editor of "Columbia Globe", the first democratic newspaper in Boone county.

Guitar, Odon, Columbia; born in Kentucky; admitted to bar in 1849; representative from Boone county two terms; private in Doniphan's army in Mexican War; general in United States army during Civil War; city attorney, city councilman and mayor of Columbia; curator of Missouri University; president of Boone County Bar Association; and a member of the law firm of Guitar & Gordon, Columbia; died in Columbia in 1908.

Gordon, Charles W., Columbia; born in Kentucky; admitted to bar in 1849; always known as "Blind Charlie", having lost his sight when two months old. Died in Columbia in 1854.

Gordon, Boyle, Columbia township; born in Kentucky; admitted to bar in 1852; judge of county court and representative from Boone county; professor of law in Missouri University Law School for ten years; member of the law firm of Guitar & Gordon, Columbia; died in Boone county in 1895.

Gordon, Emmett, Columbia township; admitted to bar in 1852; moved to California in 1852; died in Fulton, Missouri, in 1903.

Gordon, Wellington, Columbia township; born in Columbia; admitted to bar in 1859; deputy circuit clerk under Robert L. Todd; county attorney of Boone county three terms; prosecuting attorney of Boone county; president of Boone County Bar Association; member of the law firm of Gordon, Gordon & Gordon; also a member of the law firm of Gordon & Bass, Columbia; died in Columbia in 1908. From his childhood he was known as "Wax" Gordon.

Gordon, John M., Columbia; born in Columbia; admitted to bar in 1865; moved to Audrain county and became public administrator, and prosecuting attorney of Audrain county; died in Mexico, Missouri.



JUDGE THOMAS REYNOLDS

Gordon, Irvin, Columbia; born in Columbia; admitted to bar in 1871; city attorney and police judge of Columbia for four years each; moved to Nevada, Missouri, in 1884; now practicing law in Nevada.

Gordon, Carey H., Columbia township; born in Columbia township; admitted to bar in 1872; prosecuting attorney of Boone county for six years; lieutenant in United States army during Civil War, and a member of the law firm of Gordon, Gordon & Gordon, Columbia; died in Boone county in 1905.

Garth, Walter W., Columbia; born in Columbia; admitted to bar in 1872; circuit clerk and recorder two terms; judge of probate court of Boone county; city councilman and mayor of Columbia; cashier of Exchange National Bank.

Gentry, Thomas B., Columbia; born in Columbia; admitted to bar in 1874; justice of the peace of Boone county; first president of the Columbia school board; city councilman for ten years; police judge and twice mayor of Columbia; public administrator of Boone county; treasurer of Missouri University, and president of Columbia Cemetery Association; died in Kansas City in 1906.

Gray, William O., Sturgeon; admitted to bar in 1875; teacher; moved to Pike county in 1876 and became judge of probate court; now practicing law in Bowling Green, Missouri.

Gentry, North Todd, Columbia; born in Columbia; admitted to bar in 1888; city attorney of Columbia; assistant attorney general of Missouri; member of Missouri Statute Revision Commission of 1909; special judge of Boone Circuit Court; twice delegate from Missouri Bar Association to American Bar Association; president of Columbia Commercial Club and president of Boone County Bar Association.

Goldman, John H., Columbia; admitted to bar in 1888; left Boone county in 1889.

Gordon, Webster, Columbia; born in Columbia; admitted to bar in 1888; justice of the peace and representative from Boone county one term; a member of the law firm of Gordon, Gordon & Gordon, Columbia; died in Columbia in 1911.

Gillespy, James C., Missouri township and Columbia; born in Tennessee; admitted to bar in 1891; representative from Boone county two terms; justice of the peace; city councilman and mayor of Columbia; also sheriff, treasurer and collector of Boone county two terms each; a member of the law firm of Gillespy & Conley, Columbia.

Gerling, Henry J., Columbia; admitted to bar in 1894; moved to St. Louis in 1895; now a teacher in St. Louis.

Gerig, Edward, Columbia; born in Ashland; admitted to bar in 1894; police judge of Columbia; moved from Boone county in 1905; now in real estate business in Spokane, Washington.

Gentry, William R., Columbia; born in Columbia; admitted to bar in 1896; teacher in Missouri University; moved to St. Louis in 1899; president of St. Louis Bar Association; now practicing law in St. Louis.

Gordon, M. Fleetwood, Columbia; born in Columbia; admitted to bar in 1899; moved east in 1904; now living in New York City.

Guitar, Abiel Leonard, Columbia; born in Columbia; admitted to bar in 1905; moved to St. Joseph, Missouri, in 1905; now practicing law in St. Joseph.

Grimes, E. A., Centralia; born in Monroe county; admitted to bar in Monroe county in 1910; moved to Boone county in 1910; city attorney of Centralia; returned to Monroe county in 1912; now attorney for state treasurer.

Gentry, David T., Sturgeon and Columbia; born in Kentucky; admitted to bar in Randolph county in 1880; practiced in Mexico; teacher and life insurance; now in business in Columbia.

Gibson, Clyde, Hartsburg; born in Illinois; admitted to bar in California in 1899; enrolled in Boone county in 1915; now in mercantile business in Hartsburg.

Hardin, Charles H., Columbia; circuit attorney and state senator, two terms; moved to Audrain county and became governor of Missouri; died in Mexico, Missouri, in 1892, and buried in Jewell cemetery in Boone county.

Harbinson, Andrew J., Columbia; born in Kentucky; admitted to bar in 1856; city attorney of Columbia; circuit attorney; major in United States army in Civil War; left Boone county in 1875; became prosecuting attorney of Newton county; died in Neosho, Missouri, in 1908.

Henry, Robert, Sturgeon; admitted to bar in 1860; adjutant in United States army in Civil War; moved to Louisiana, Missouri, in 1865, and died there.

Hitt, James J., Columbia; born in Columbia; admitted to bar in 1863; moved to Kansas City.

Henderson, James A., Columbia; born in St. Louis county; admitted to bar in 1865; assessor; school commissioner; justice of the peace and judge of probate court of Boone county; city assessor and city attorney of Columbia; moved to St. Louis county in 1873; became judge of probate court of St. Louis county; now practicing law in St. Louis.

Harris, James T., Columbia; admitted to bar in 1872; justice of the peace of Boone county; captain in United States army in Civil War; now practicing law in San Francisco, California.

Harris, William F., Columbia; admitted to bar in 1872; died in Santa Barbara, California.

Horine, George L., Columbia; born in Illinois; admitted to bar in 1885; moved to Colorado in 1885; criminal judge of Park county; died in Fair Play, Colorado, in 1903.

Haydon, William G., Cedar township and Columbia; born in Boone county; admitted to bar in 1888; moved to New Mexico in 1889; now practicing law in Las Vegas, New Mexico.

Haines, Robert T., Columbia; born in Kansas City; admitted to bar in 1890; moved to Kansas City in 1890 and became an actor.

Hinton, Edward W., Columbia; born in Rocheport; admitted to bar in 1890; for many years a member of the law firm of Turner, Hinton & Turner; author, dean of Missouri University Law School; special judge of Boone and Callaway circuit courts; vice president of Exchange National Bank; elected dean of Chicago University Law School in 1913.

Harris, Frank G., Centralia and Columbia; born in Boone county; admitted to bar in 1897; police judge of Centralia; prosecuting attorney and representative of Boone county for two terms and chairman of judiciary committee of forty-seventh General Assembly; state senator; a member of the law firm of Harris & Finley, Columbia; now practicing in Columbia.

Haydon, Curtis, Cedar township and Columbia; born in Boone county; admitted to bar in 1898; moved to St. Louis; now practicing law in Caldwell, Idaho.

Hamilton, Edward R., Columbia township; born in Boone county; admitted to bar in 1900; now farming near Columbia.

Hamilton, Albert P., Columbia; admitted to bar in 1900; moved to Ray county and became prosecuting attorney; now practicing law in Richmond, Missouri.

Hoag, William E., Columbia; admitted to bar in 1901; in abstract business for several years in Columbia; now in loan business in Moberly, Missouri.

Hirth, William, Columbia; admitted to bar in 1904; born in New York; editor of "Columbia Statesman", and "Farmer and Breeder", and president of Federation of Commercial Clubs of Missouri.

Holloway, Russell E., Columbia; born in Audrain county; admitted to bar in 1908; moved to Idaho in 1911; returned to Columbia 1911; now practicing law in Columbia.

Hudson, Manley O., Columbia; born in Montgomery county; enrolled in Boone county in 1912; teacher in Missouri University Law School; delegate to the International Peace Society in London in 1914.

Hays, Napoleon B., Columbia; born in Kentucky; admitted to bar in 1875; attorney general of Kentucky; moved to Oklahoma in 1905; moved to Columbia in 1914; a member of the law firm of Hays & Hays, Columbia.

Hays, Hume A., Columbia; born in Kentucky; admitted to bar in 1914; a member of the law firm of Hays & Hays, Columbia.

Hulett, Wm. H., Sturgeon and Centralia; born in Sturgeon; admitted to bar in 1914; city attorney of Sturgeon.

Hulen, Ruby M., Centralia; born in Hallsville; admitted to bar in 1915; a graduate of Kansas City Law School; now practicing in Centralia.

Jenkins, Washington, Columbia; admitted to bar in 1831; moved to Shreveport, Louisiana, in 1840.

Jones, Isaac N., Columbia; admitted to bar in 1841.

Jarman, J. Frank, Sturgeon; admitted to bar in 1874; moved to Randolph county in 1881; died in Higbee, Missouri, in 1898.

Jarman, W. T., Sturgeon; admitted to bar in 1878; justice of the peace of Boone county; died in Sturgeon.

Jesse, M. M., Sturgeon; born in Tennessee; admitted to bar in 1878; city attorney of Sturgeon; died in Sturgeon in 1903.

Jones, William R., Sturgeon; admitted to bar in 1878; Christian minister; died in Sturgeon.

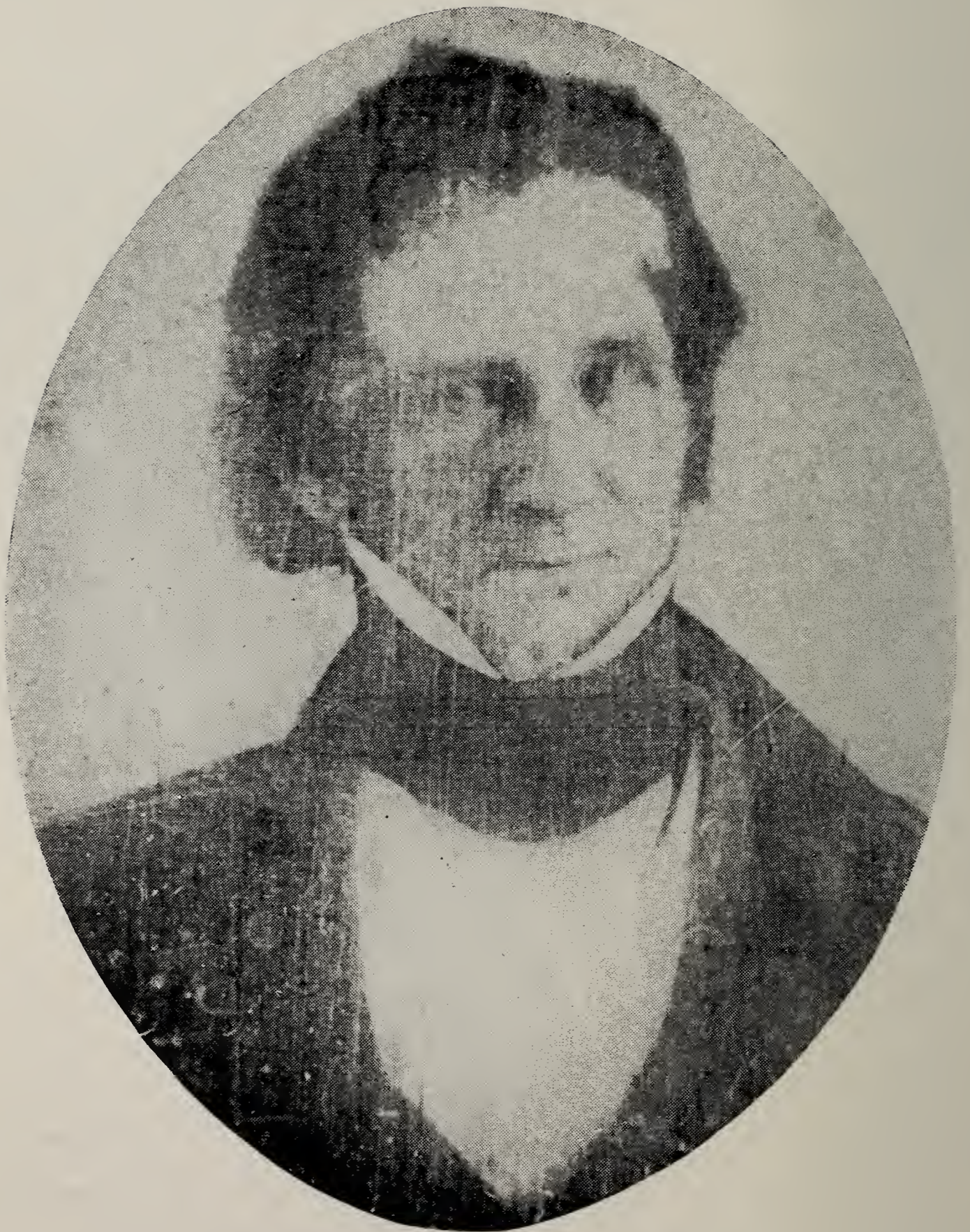
Jones, Robert W., Columbia; born in Newton county; admitted to bar in 1913; city editor of "Columbia Daily Tribune".

Kirtley, Sinclair, Columbia; admitted to bar in 1825; captain in United States army in Black Hawk Indian War; representative from Boone county three terms and state senator; a member of law firm of Todd & Kirtley, Columbia; moved to St. Louis in 1847; died in California in 1853.

King, Austin A., Columbia; born in Tennessee; admitted to bar in 1836; representative from Boone county and state senator; colonel in Black Hawk Indian War; a member of law firm of Gordon & King, Columbia; moved to Ray county and became circuit judge; governor of Missouri; congressman; died in Richmond, Missouri, in 1870.

Keyser, Oliver J., Sturgeon; admitted to bar in 1860; moved to Kansas and died there.

Karnes, J. V. C., Columbia; born in Boone county; admitted to bar in 1863; deputy circuit clerk of Boone county; teacher in Missouri



JUDGE JNO. D. LELAND

University; president of Kansas City Bar Association; president of Kansas City Board of Education; and president of curators of Missouri University; died in Kansas City in 1911.

Kenyon, William H., Columbia; born in Boone county; moved to Mexico; representative from Audrain county; died in Farmington, Missouri, in 1908.

Kurtz, D. W. B., Jr., Columbia; born in Columbia; practiced medicine for four years; teacher for a number of years; admitted to bar in Boone county in 1911; justice of the peace of Boone county; now practicing law in Columbia, and preparing to specialize in medical jurisprudence.

Lane, Anthony B., Smithton.

Lynch, Francis K., Columbia; born in Columbia; admitted to bar in 1862; editor of New London newspaper; died in Ralls county, Missouri, in 1910.

Lawson, John D., Columbia; born in Canada; came to Columbia and enrolled in Boone county in 1891; teacher in University Law School; author; dean of University Law School; president of Missouri State Bar Association; member of executive committee of American Bar Association.

Mills, E. P., Columbia; admitted to bar in 1831.

Miller, Thomas, Columbia; born in Pennsylvania; admitted to bar in 1834; first president of Columbia College; editor of "Columbia Patriot"; member of law firm of Rollins & Miller, Columbia; died near Santa Fe in 1841.

Miller, John G., Columbia; admitted to bar in 1839.

Moss, James H., Columbia; born in Boone county; admitted to bar in Clay county in 1845; representative from Clay county; lieutenant in Doniphan's army in Mexican War; colonel in United States army in Civil War; United States Attorney for western district of Missouri; returned to Boone county in 1871; died in Columbia in 1873.

Myers, John M., Rocky Fork township; admitted to bar in 1850; died in Boone county in 1851.

Martin, Alexander, Columbia; born in Canada; admitted to bar in St. Louis in 1858; began practicing in Boone county in 1890; law writer; author; teacher in St. Louis Law School and Washington University; president of St. Louis Bar Association; commissioner of Missouri Supreme Court, and dean of Missouri University Law School; died in Columbia in 1902.

More, E. C., Columbia township; born in Arkansas; admitted to bar in St. Louis in 1861; enrolled in Boone county in 1867; consul

general to Mexico under President Cleveland; president of State Board of Agriculture; died in Peoria, Illinois, in 1902.

Murry, John F., Columbia; born in Boone county; admitted to bar in 1887; clerk of county court and deputy clerk two terms; judge of probate court of Boone county three terms.

Murry, Jerry H., Columbia; born in Boone county; admitted to bar in 1893; city attorney of Columbia; prosecuting attorney of Boone county for three terms; member of the law firm of Murry & Murry, Columbia; died in Columbia in 1904, while a candidate for attorney general of Missouri.

Murry, Harvey D., Columbia; born in Boone county; admitted to bar 1897; assistant prosecuting attorney of Boone county; teacher in Missouri University Law School and clerk of probate court of Boone county; for several years a member of the law firm of Murry & Murry, Columbia.

Morgan, H. W., Columbia; admitted to bar in 1899; in abstract business for two years in Columbia; moved to Oklahoma in 1901; now practicing law in Oklahoma City.

McBride, Priestly H., Columbia; born in Kentucky; admitted to bar in 1825; justice of the peace and presiding judge of Boone county court; secretary of state of Missouri; moved to Monroe county and became circuit judge; judge of Missouri Supreme Court and president of curators of Missouri University; died in Boone county in 1869.

McElvain, J. N., Columbia; admitted to bar in 1887; a member of the law firm of Bedford & McElvain; moved to Johnson county, Missouri, in 1888; now teaching in Seattle, Washington.

McEuen, Wilson H., Columbia; admitted to bar in 1900; moved to Pike county in 1904; now in lumber business in Sheridan, Wyoming.

McBaine, James Patterson, Columbia; born in Jackson county; admitted to bar in 1904; practiced law in St. Louis four years; returned to Columbia in 1908; teacher in Missouri University Law School and in Wisconsin Law School; and president of Columbia Cemetery Association; now a member of the law firm of McBaine & Clark, Columbia.

Nicklin, Walter E., Columbia and Rocheport; born in Lincoln county; admitted to bar in 1888; justice of the peace and public administrator of Boone county; and city attorney of Rocheport; a member of the law firm of Nicklin & Dudley, Columbia; moved to Arkansas in 1897; thence to Pryor, Oklahoma; now county attorney of Mayes county, Oklahoma.

Niedermeyer, Frederick W., Columbia; born in St. Louis; admitted to bar in 1895; mayor of Columbia; president of Columbia school board two terms, and member of board of managers of State School for Deaf; now in real estate and automobile business in Columbia.

Overall, John H., Columbia; born in St. Charles county; admitted to bar in Macon county; circuit attorney of Macon, Randolph, Howard, Boone and Callaway counties; moved to Columbia in 1870; teacher in Missouri University Law School; moved to St. Louis and became a member of the law firm of Broadhead & Overall; died in St. Louis in 1903.

O'Mahoney, Clarence, Columbia; born in Columbia; admitted to bar in 1892; police judge of Columbia; now in shoe business in Kansas City.

Perry, Calvin L., Columbia; admitted to bar in 1831; aid-de-camp in United States army in Black Hawk Indian War.

Persinger, Alexander, Columbia township; born in Virginia; private in War of 1812; county judge and representative of Montgomery county, Missouri, and moved to Boone county in 1835, representative of Boone county two terms; county judge of Boone county twenty years; died in Columbia in 1875.

Persinger, James B., Columbia township; born in Montgomery county; admitted to bar in Boone county in 1849; died on the way to California in 1850.

Provines, John G., Columbia; admitted to bar in 1859; moved to Moberly; became an editor; died in Fulton, Missouri.

Pierce, Hiram C., Columbia; born in Virginia; admitted to bar in 1866; city attorney and city councilman of Columbia; public administrator of Boone county and captain in Southern army (Stonewall Jackson's division) during Civil War; died in Columbia in 1879.

Pratt, William S., Columbia; born in Boone county; admitted to bar in 1872; teacher; police judge of Columbia for twelve years; justice of the peace of Boone county; curator of Missouri University; now in insurance business in Columbia.

Penter, Eli, Ashland; born in Arkansas; admitted to bar in 1873; soldier in Indian War in Oregon; editor of "Ashland Bugle"; president of Farmers Bank; mayor of Ashland; teacher in Missouri University; president of Ashland school board; died in Columbia in 1915.

Pemberton, Morton H., Centralia township; born in Callaway county; admitted to bar in Callaway county in 1899; moved to Boone

county in 1901; farmer; lecturer; representative from Boone county two terms; now farming near Centralia.

Paxton, Charles F., Centralia; admitted to bar in 1898; city attorney of Centralia; moved west in 1902; now in motor supply business in Boise, Idaho.

Price, R. B., Jr., Columbia; born in Boone county; admitted to bar in 1909; vice president of Boone County National Bank.

Price, Lakenan M., Columbia; born in Boone county; admitted to bar in 1909; moved to Everett, Washington; now practicing in Columbia.

Robinson, Benjamin F., Columbia; born in South Carolina; admitted to bar in 1829; justice of the peace of Boone county; moved to Kansas City in 1852 and became United States Indian Agent; moved to Texas in 1861; died in Cotton Gem, Texas, in 1876.

Rollins, James S., Columbia; born in Kentucky; admitted to bar in 1834; a member of law firm of Rollins & Miller, Columbia; editor of "Columbia Patriot"; public administrator and representative from Boone county four terms; state senator two terms; congressman two terms; president of curators of Missouri University for seventeen years; major in United States army in Black Hawk Indian War; captain in United States army in Civil War; "Father of Missouri University"; philanthropist; died in Columbia in 1888.

Robards, William A., Columbia; enrolled in Boone county in 1840; curator of Missouri University; attorney general of Missouri from 1849 to 1851; died in Jefferson City in September, 1851.

Russell, Francis T., Columbia; born in West Virginia; admitted to bar in Virginia in 1840; city councilman and police judge of Columbia; justice of the peace, public administrator and representative from Boone county; colonel in United States army in Civil War; curator of Missouri University; president of Columbia Cemetery Association; died in Columbia in 1891.

Robinson, Lewis W., Rocheport and Columbia; admitted to bar in 1844; justice of the peace, representative from Boone county and state senator; curator of Missouri University; captain of Missouri forces in Kansas war; moved to California in 1873, and became Judge of Superior Court; died in Colusa county, California, in 1877.

Robinson, J. DeW., Rocheport, Columbia and Missouri township; born in Boone county; admitted to bar in Benton county, Missouri, in 1854; city attorney of Kansas City; private in Southern army in Civil War; city councilman of Columbia and prosecuting attorney of Boone county for two terms; died in Texas in 1907.

Russell, Thomas A., Columbia; admitted to bar in 1857; judge of circuit court of city of St. Louis; now practicing law in St. Louis.

Robinson, R. S., Columbia; admitted to bar in 1858.

Runkle, A. W., Columbia; admitted to bar in 1860; private in Southern army in Civil War; died in Columbia in 1866.

Richardson, John C., Sturgeon; admitted to bar in 1863; moved from Boone county in 1882; now in real estate business in Kansas City, Missouri.

Riggs, Samuel A., Sturgeon; admitted to bar in 1865; private in United States army in Civil War; moved to Bates county, Missouri, in 1867; moved to St. Paul, Arkansas, and became a Baptist minister; died in Arkansas in 1909.

Robinson, Wm. H., Columbia township; admitted to bar but practiced a short time; lost his eyesight and became a Christian minister; died in Columbia in 1876.

Rollins, Curtis B., Columbia; born in Columbia; admitted to bar in 1876; president of board of public works of Columbia; curator of Missouri University, and vice president of Boone County National Bank; now living in Columbia.

Runyan, Elgin L., Columbia; admitted to bar in 1877; now living in California.

Riggs, Brutus, Sturgeon; admitted to bar in 1878; now teaching in Cameron, Missouri.

Rich, John A., Sturgeon; born in Liberty; admitted to bar in 1878; moved to Saline county in 1879; became prosecuting attorney of Saline county, and judge of criminal court of fifteenth judicial circuit of Missouri; now living in Slater, Missouri.

Redmond, J. T., Sturgeon; admitted to bar in Sturgeon court of common pleas in 1870; photographer and postmaster of Sturgeon; died in Boone county in 1906.

Riley, Elijah E., Columbia; admitted to bar in 1893; moved to Linn county.

Randolph, Wm. F., Columbia; admitted to bar in 1896; moved to St. Louis; now traveling accountant for Missouri Pacific railroad.

Robinson, Clark, Cedar township and Columbia; born in Boone county; admitted to bar in 1899; recorder of deeds of Boone county two terms.

Rothwell, W. Hamp, Columbia; born in Callaway county; admitted to bar in 1902; teacher; city attorney of Columbia two terms; moved to Randolph county in 1912; now practicing law in Moberly, Missouri.

Roberts, V. H., Columbia; admitted to bar in Iowa; enrolled in Boone county in 1903; teacher in Missouri University Law School; moved to St. Louis in 1908; died in St. Louis county in 1910.

Rose, Marion A., Columbia; born in Illinois; admitted to bar in 1905; now a contractor in Columbia.

Rollins, Frank B., Columbia; born in Columbia; admitted to bar in 1911; moved to Oklahoma in 1911; now practicing law in Bartlesville, Oklahoma.

Rollins, James Sidney, Jr., Columbia; born in Columbia; admitted to bar in 1911; acting city attorney of Columbia and assistant prosecuting attorney of Boone county.

Rollins, Curtis B., Jr., Columbia; born in Columbia; admitted to bar in 1914.

Stone, John F., Columbia; born in Kentucky; admitted to bar in 1843; died in Columbia in 1846.

Switzler, William F., Columbia; born in Kentucky; admitted to bar in 1841; representative from Boone county two terms; member of Constitutional Conventions of 1865 and 1875; editor of "Missouri Statesman"; writer; historian; city councilman of Columbia; chief of bureau of statistics under President Cleveland; president of Columbia Cemetery Association; died in Columbia in 1906.

Shields, James R., Columbia; born in Boone county; admitted to bar in 1855; city councilman and police judge of Columbia and justice of the peace of Boone county; moved from Boone county in 1877; became solicitor of treasury department under President Cleveland; died in Wichita, Kansas.

Samuel, John M., Columbia; born in Columbia; admitted to bar 1862; sheriff; treasurer; circuit clerk and recorder of Boone county; city councilman and mayor of Columbia; president of Columbia school board; president of Columbia Savings Bank; died in Columbia in 1887.

Switzler, Lewis M., Columbia; born in Howard county; admitted to bar in 1867; soldier in United States army in Civil War; city attorney and police judge of Columbia; judge of probate court of Boone county for fourteen years; president of Boone County Bar Association for five years.

Stone, William J., Columbia; born in Kentucky; admitted to bar in 1869; city attorney of Columbia; moved to Nevada, Missouri; congressman for three terms; governor of Missouri; United States senator for three terms; now a resident of Jefferson City.

Smith, Richard J., Columbia; born in Kentucky; admitted to bar in 1869; justice of the peace of Boone county; died in Bryan, Texas.

Searcy, James Jasper, Sturgeon; born in Boone county; admitted to bar in 1871; teacher; colonel in Southern army during Civil War; died in Sturgeon in 1872.

Singleton, Middleton G., Centralia township; admitted to bar in Boone county in 1872; farmer; colonel in Southern army in Civil War; moved to Fulton, Missouri, in 1879; returned to Boone county and died in Cedar township in 1893.

Selby, George B., Columbia; admitted to bar in 1872; deputy county clerk of Boone county; clerk of United States court at St. Louis.

Sebastian, C. B., Columbia township and Columbia; born in Kentucky; admitted to bar in 1874; teacher; city councilman of Columbia; justice of the peace and prosecuting attorney of Boone county; now a member of the law firm of Sebastian & Sebastian, Columbia.

Switzler, Warren, Columbia; born in Columbia; admitted to bar in 1877; moved to Nebraska in 1877 and became state senator; now practicing law in Omaha.

Stephens, James L., Centralia and Columbia; born in Boone county; admitted to bar in 1887; city attorney of Centralia; prosecuting attorney of Boone county two terms; now a member of the law firm of Stephens & Collier, Columbia.

Slate, John G., Ashland; born in Cole county; admitted to bar in 1887; prosecuting attorney of Maries county; representative from Maries county two terms; prosecuting attorney of Cole county two terms; judge of circuit court of Cole, Cooper, Miller, Morgan, Maries and Moniteau counties.

Schofield, Robert F., Columbia; admitted to bar in 1888; moved to Knox county, Missouri, in 1888; member of the county court of Knox county one term; editor and publisher of the "Sentinel" at Edina, Missouri, about fifteen years; now in oil business at Tulsa, Oklahoma.

Searcy, L. T., Rocheport and Columbia; born in Boone county; admitted to bar in 1897; teacher; city councilman of Columbia; assessor; county clerk two terms; prosecuting attorney of Boone county; secretary of Boone County Bar Association; for some years a member of law firm of Searcy & Murry, Columbia.

Schwabe, James W., Columbia; born in Columbia; admitted to bar in 1898; city councilman of Columbia; now engaged in real estate business in Columbia.

Spriggs, John J., Columbia; admitted to bar in 1905; moved west in 1906; representative in Wyoming legislature; now practicing law in Lander, Wyoming.

Simmons, Thomas T., Columbia; born in Florida; admitted to bar in 1906; police judge of Columbia; claim agent of legal department of M., K. & T. Railway Company.

Sapp, William H., Columbia; born in Boone county; admitted to bar in 1909; assistant prosecuting attorney of Boone county; a member of the law firm of Dinwiddie & Sapp; also of the law firm of Anderson & Sapp; now a member of the firm of Finley & Sapp, Columbia.

Starrett, George S., Columbia; born in Buchanan county; admitted to bar in 1909; assistant prosecuting attorney of Boone county; for two years a member of the law firm of Anderson & Starrett, Columbia.

Street, Thomas A., Columbia; born in Alabama; enrolled in Boone county in 1910; teacher in Missouri University Law School; now in Philippines.

Schwabe, George B., Columbia; born in Vernon county; admitted to bar in 1910; moved to Nowata, Oklahoma, in 1911; now mayor of Nowata.

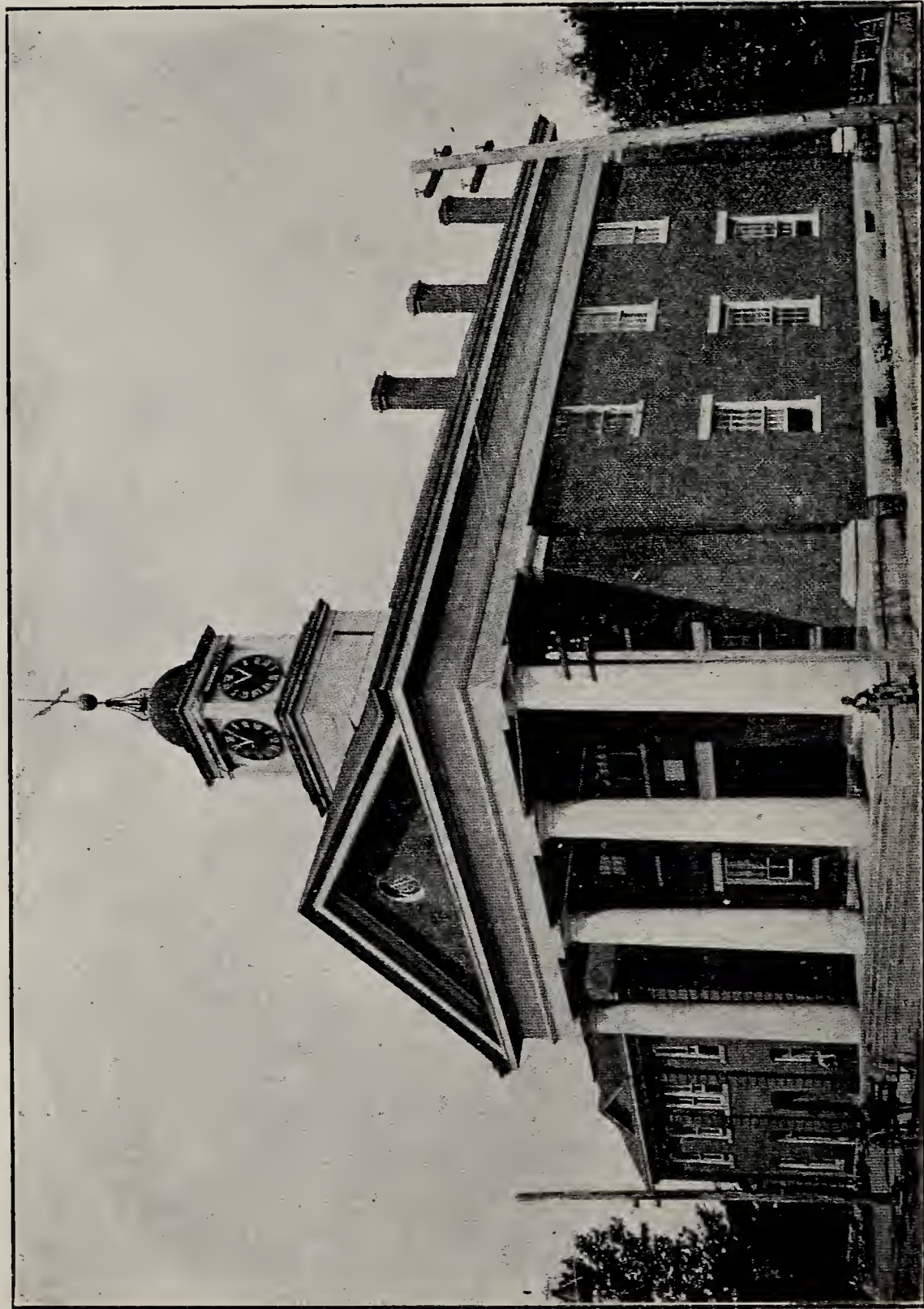
Sebastian, Henry G., Columbia; born in Columbia; admitted to bar in 1911; captain of national guard of Missouri; justice of the peace; now a member of the law firm of Sebastian & Sebastian, Columbia.

Todd, David, Columbia; born in Kentucky; admitted to bar in Lexington, Kentucky; soldier in War of 1812; judge of United States district court for Territory of Missouri; attorney for trustees of Columbia at the organization and laying out of the town; judge of Boone circuit court from 1820 to 1837; whig nominee for governor in 1825; member of the law firm of Todd & Kirtley, Columbia; died in Columbia in 1859.

Turner, Archibald W., Columbia and Columbia township; born in Kentucky; admitted to bar in Kentucky in 1827; moved to Boone county in 1831; justice of the peace; public administrator and representative from Boone county; state senator; died in Boone county in 1874.

Todd, Robert B., Columbia; born in Boone county; admitted to bar in 1843; captain in Mexican War; moved to Louisiana and became judge of the supreme court of Louisiana; died in New York in 1895.

Todd, Robert L., Columbia township and Columbia; born in Boone county; admitted to bar in 1847; clerk of circuit court and



COURT HOUSE OF 1847

recorder of deeds of Boone county for twenty-one years; curator of Missouri University and cashier of Exchange National Bank for thirty-one years; died in Columbia in 1898.

Triplett, F. F. C., Rocheport and Columbia; born in Virginia; admitted to bar in Kentucky in 1833; member of Kentucky legislature; editor, captain in United States army in Mexican war; chief of pension bureau under Presidents Taylor and Fillmore; moved to Boone county in 1859; justice of the peace of Boone county; died in Columbia in 1880.

Turner, Squire, Columbia and Columbia township; born in Boone county; admitted to bar in Kentucky in 1858; enrolled in Boone county in 1860; city attorney and city councilman of Columbia; representative from Boone county; curator of Missouri University; member of staff of Governor Marmaduke; for many years a member of the law firm of Turner, Hinton & Turner; died in Boone county in 1906.

Todd, John N., Columbia township; born in Columbia; admitted to bar in 1862; deputy circuit clerk and recorder; justice of the peace of Boone county; moved to California in 1869, and engaged in transportation and banking; consul general to Central America under President Cleveland; returned to Columbia in 1898; died in Columbia in 1898.

Truitt, William H., Jr., Columbia; born in Callaway county; admitted to bar in 1887; city councilman of Columbia; justice of the peace and representative from Boone county; moved west in 1902; now secretary of chamber of commerce in Pomona, California.

Todd, William C., Bourbon township and Centralia; admitted to bar in 1871 by nunc pro tunc entry made in 1890; farmer; captain in Southern army in Civil War; moved to Marshall, Missouri, in 1893; drowned in Pacific Ocean in 1907.

Turner, Archibald W., Jr., Columbia; born in Columbia; admitted to bar in 1890; city attorney of Columbia for two terms; for several years a member of the law firm of Turner, Hinton & Turner, Columbia; now living in Lone Wolf, Oklahoma.

Turner, Kirk B., Columbia township; admitted to bar in 1896; now practicing law in Eufaula, Oklahoma.

Tydings, Thomas J., Sturgeon and Centralia; admitted to bar in Monroe county, Missouri, in 1900; moved to Boone county in 1902; city attorney of Centralia; for several years a member of the law firm of Tydings & Anderson, Centralia; moved to Randolph county in 1906; now practicing law in Moberly, Missouri.

VanArsdall, Wm. K., Columbia; born in Kentucky; admitted to bar in 1829; moved to Paris, Missouri, in 1832; state senator from

Monroe and Ralls counties. Drowned in Salt River, near Paris, in 1856.

Vandiver, A. L., Burlington; admitted to bar in 1849; farmer and live stock; died in Boone county in 1877.

Wheeler, Samuel, Smithton.

Wood, Jesse T., Columbia; admitted to bar in 1824; justice of the peace of Boone county and general in Black Hawk Indian War.

Woods, James B., Columbia; admitted to bar in 1828.

Woods, Jefferson, Columbia; admitted to bar in 1835.

Woodson, Warren, Columbia; born in Virginia; admitted to bar in 1864; justice of the peace and probate judge; curator of Missouri University; clerk of county court of Boone county for forty-one years; died in Columbia in 1868.

Warren, Wirt J., Ashland; admitted to bar in 1879; justice of the peace of Boone county; mayor of Ashland; died in Boone county in 1906.

Wyatt, James D., Centralia; born in Kentucky; admitted to bar in 1876; merchant; school director; postmaster and mayor of Centralia; died in Centralia in 1887.

Wheeler, Albert B., Perche township and Columbia; admitted to bar in 1884; justice of the peace; now farming near Hinton, Missouri.

Wilson, Ben S., Columbia; admitted to bar in 1888; moved to California in 1889; now in real estate business in San Francisco.

White, J. Chapman, Sturgeon; born in Boone county; admitted to bar in 1889; justice of the peace of Boone county; now in business and practicing in Centralia.

Watson, Edwin M., Columbia; born in Callaway county; admitted to bar in 1896; city attorney of Columbia; moved to Jefferson City and St. Louis, and engaged in newspaper work; now editor and publisher of "Columbia Daily Tribune".

Walker, Charles J., Columbia; born in St. Charles county; admitted to bar in St. Charles county in 1874; state senator from Boone, Callaway, Montgomery, Warren and St. Charles counties for two terms; moved to Columbia in 1900 and now member of law firm of Walker & Walker, Columbia.

Warden, L. A., Columbia; born in Mercer county; admitted to bar in 1906; moved to Grundy county, Missouri, in 1907; now practicing law and engaged in abstract business in Trenton, Missouri.

Walker, Lee, Columbia; born in St. Charles county; admitted to bar in 1912; teacher in Missouri University Law School; now a member of the law firm of Walker & Walker, Columbia.

Young, Samuel A., Columbia; born in Kentucky; admitted to bar in Boone county in 1846; state senator; colonel of Missouri forces in Kansas war; died in Lawrence, Kansas, in 1863.

Young, Fred B., Columbia; born in Kentucky; admitted to bar 1872; private in Southern army in Civil War; deputy circuit clerk and deputy county clerk of Boone county; moved to St. Louis in 1881; thence to Dent county; died in Lebanon, Missouri, in 1907.

Yantis, James A., Columbia; born in Saline county; admitted to bar in Arkansas; enrolled in Boone county in 1887; teacher in Missouri University Law School; moved to Muskogee, Oklahoma, in 1903; died there in 1904.

Youdan, J. Claud, Sturgeon; born in Michigan; admitted to bar in 1901; moved away in 1902.

Zook, Ellsworth E., Columbia; admitted to bar in 1905; moved to Philippines in 1906.

OTHER BOONE COUNTY LAWYERS

Aside from those who practiced law in this county are a number of Boone county men who have attained distinction as lawyers since leaving Boone county.

John F. Philips, who was born and reared near Rocheport, is now living in Kansas City. He has served as colonel in the United States army during the Civil War, congressman, commissioner of Missouri Supreme Court, judge of the Kansas City court of appeals, and judge of the United States circuit court for Western District of Missouri.

Gardiner Lathrop, son of the first president of the Missouri University, is a citizen of Kansas City, and has been president of the Kansas City Bar Association. He is now general solicitor of the Atchison, Topeka & Santa Fe Railroad.

Virgil M. Harris, of the Model Farm, moved to St. Louis, and became a corporation attorney, financier and author.

Joseph H. Maupin, of Columbia (a grandson of Judge Joseph W. Hickam), served two terms as attorney general of Colorado.

Irvin A. Barth, of Columbia, has been practicing law for several years in St. Louis and is a teacher in the St. Louis Law School. He was elected judge of the circuit court of St. Louis in 1912.

Wm. W. Henderson, a Columbian by birth and a son of Judge Jas. A. Henderson, was elected judge of the probate court of St. Louis in 1898.

Charles H. Mayer, a native of Sturgeon, moved to St. Joseph and served as city attorney of St. Joseph and as state senator.

Wm. B. Hale, of the Two-Mile Prairie neighborhood, is practicing law in New York, and is one of the legal writers and editors of the American & English Encyclopedia of Law.

Ben E. Todd, a son of Robert L. Todd, also of Columbia, is a lawyer in Kansas City, and teacher in the Kansas City Law School.

Robert H. Davis, of the Wilton neighborhood, is now practicing law in Joplin. He served two terms as prosecuting attorney of Lawrence county, Missouri.

RELATIONSHIPS

John R. Bedford was the uncle of W. Archie Bedford and Jno. S. Bedford, and the cousin of the Robinsons.

Wm. J. Babb, Henry B. Babb and Jerry G. Babb are brothers; they were brothers-in-law of T. B. Gentry.

Henry S. Booth and John N. Booth are brothers.

Walter E. Boulton was a son of Judge Jesse A. Boulton.

Thomas S. Carter was the father of Don C. Carter.

Boyle G. Clark is a second cousin of N. T. Gentry and Wm. R. Gentry; also a second cousin of Wm. P. Coleman.

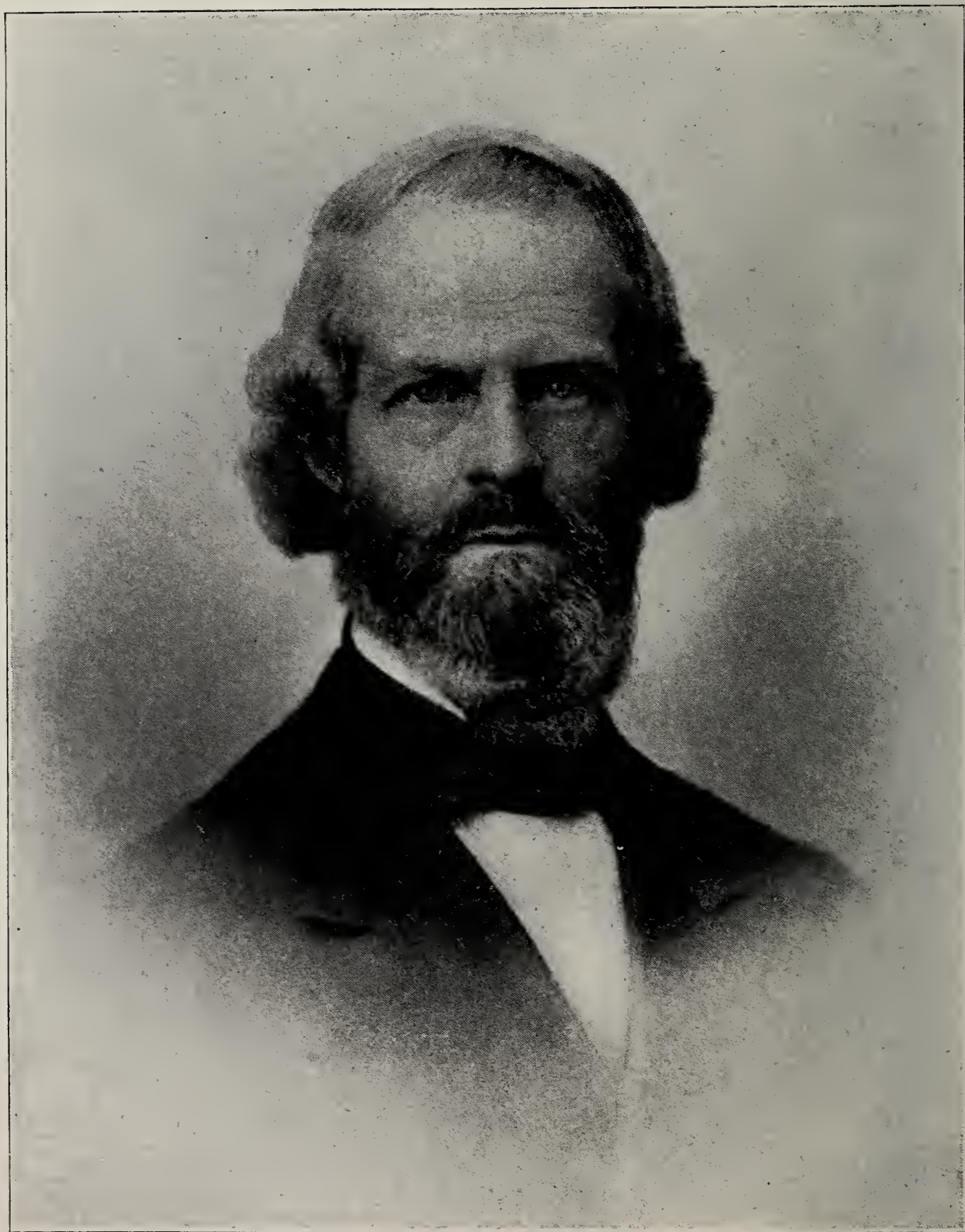
M. R. Conley and James P. McBaine are second cousins.

Walter W. Garth was the son-in-law of Jno. M. Samuel.

Jno. B. Gordon, David Gordon and Jas. M. Gordon were brothers; and Jno. B. Gordon was the father of Boyle Gordon, Wellington Gordon, Emmett Gordon and Carey H. Gordon. Wellington Gordon was the father of M. Fleetwood Gordon. Irvin Gordon and Webster Gordon were brothers, and they were nephews of Jno. B., David and Jas. M. Gordon. And John M. Gordon was a cousin of the other Gordons. From 1826 to 1911, Boone county had at least one Gordon who was a practicing attorney.

Odon Guitar was also a nephew of Jno. B., David and Jas. M. Gordon, and a cousin of the other Gordons. Abiel Leonard Guitar is a son of Odon Guitar, and the grandson of Abiel Leonard.

Thomas B. Gentry was the brother of R. H. Gentry and the son of Richard Gentry. Thomas B. Gentry was the father of two sons, North Todd Gentry and William R. Gentry. He was also the first cousin of Boyle, Wellington, Emmett and Carey H. Gordon. N. T. and Wm. R. Gentry were the nephews of Robert L. Todd and Jno. N. Todd; and the two last named were the sons of Roger North Todd, a brother of Judge David Todd.



JUDGE WILLIAM A. HALL

Jas. C. Gillespy is the uncle of James E. Boggs.

Wm. G. Haydon and Curtis Haydon are brothers, and grandsons of Judge Gilpin S. Tuttle.

Jas. A. Henderson was a brother-in-law of Wm. F. Switzler, and the father of Wm. W. Henderson.

Judge John Hinton was the father of Dean Edward W. Hinton.

N. B. Hays is the father of Hume A. Hays.

Ruby M. Hulen is a great-grandson of Justice Wm. W. Tucker, and a third cousin of R. S. Pollard, deputy circuit clerk.

Wm. H. Hulett is a son of Justice J. W. Hulett, and a brother-in-law of Don C. Carter.

J. V. C. Karnes and J. E. Crumbaugh were brothers-in-law. Mr. Karnes married a niece of Thomas B. Gentry.

Sinclair Kirtley was the uncle of Francis K. Lynch.

James H. Moss was the son-in-law of Warren Woodson, and a cousin of E. C. More.

Jno. F. Murry, Jerry H. Murry and Harvey D. Murry were brothers, and claimed to be of Irish descent.

F. W. Niedermeyer was the son-in-law of Hiram C. Pierce, and Mr. Pierce was the son-in-law of Judge James Harris, who was the father of Judge David H. Harris.

Judge Alexander Persinger was the father of James B. Persinger.

R. B. Price, Jr., and Lakenan M. Price are brothers. Their aunt married Frank P. Blair, Jr.

B. F. Robinson and Lewis W. Robinson were brothers; and J. DeW. Robinson was the son of B. F. Robinson, and a cousin of Wm. H. Robinson. W. Archie Bedford was a cousin and nephew by marriage of J. DeW. Robinson. John R. Bedford was a brother-in-law of J. DeW. Robinson.

James S. Rollins was the father of Curtis B. Rollins, and the grandfather of Frank B. Rollins, James Sidney Rollins, Jr., and Curtis B. Rollins, Jr. Jno. H. Overall was the son-in-law of James S. Rollins.

Francis T. Russell was the brother of Judge Thomas A. Russell, and the grandfather of D. W. B. Kurtz, Jr.

James W. Schwabe is the uncle of Geo. B. Schwabe.

James Jasper Searcy was the uncle of L. T. Searcy.

C. B. Sebastian is the father of Henry G. Sebastian.

James R. Shields and Wm. S. Pratt were cousins; and grandsons of Judge William Shields.

Richard J. Smith was the father-in-law of Andrew J. Harbinson.

John F. Stone was a cousin of Charles H. Hardin.

Senator Wm. J. Stone and Squire Turner were brothers-in-law. Wm. F. Switzler and Lewis M. Switzler were brothers, and Warren Switzler was the son of Wm. F. Switzler.

David Todd was the father of Robert B. Todd.

A. W. Turner was the father of Squire Turner. Squire Turner was the father of A. W. Turner, Jr., and the father-in-law of Edward W. Hinton.

Kirk B. Turner was a cousin of the Turners above mentioned.

Charles J. Walker is the father of Lee Walker.

Samuel A. Young was the father of Fred B. Young.

CHAPTER III

LAWYERS ACTIVE AND PROMINENT

LAWYERS IN SENATE AND HOUSE

The bench and bar of Boone county have been well represented in both branches of the Missouri legislature; and it is said that some Boone county lawyers of today have legislative aspirations. A complete list of the senators and representatives from Boone county is here given; which shows that there were thirteen senators and eighteen representatives who were lawyers; besides several county judges and justices of the peace, who were members of our legislative bodies.

REPRESENTATIVES

- 1822-1824, Peter Wright, David C. Westerfield, Elias Elston. (Mr. Elston died and James W. Moss was elected to fill the unexpired term.)
- 1824-1826, Peter Wright, John Slack, David C. Westerfield. (Mr. Westerfield died and Thomas W. Conyers was elected to fill the unexpired term.)
- 1826-1828, Tyre Harris, Thomas W. Conyers, Wm. Jewell.
- 1828-1830, Sinclair Kirtley, William S. Burch.
- 1830-1832, John B. Gordon, William S. Burch, Daniel P. Wilcox.
- 1832-1834, John B. Gordon, Tyre Harris, Oliver Parker.
- 1834-1836, John B. Gordon, Thomas C. Maupin, Sinclair Kirtley.
- 1836-1838, John B. Gordon, Thomas C. Maupin, Archibald W. Turner, Michael Woods. (Mr. Woods died and Austin A. King was elected to fill the unexpired term.)
- 1838-1840, John B. Gordon, David M. Hickman, James S. Rollins, Alexander Persinger, Tyre Harris.
- 1840-1842, David M. Hickman, James S. Rollins, Alexander Persinger, George Knox, Tyre Harris.
- 1842-1844, William Smith, Matthew R. Arnold, William Rowland.
- 1844-1846, George Knox, Sinclair Kirtley, William Jewell.
- 1846-1850, William F. Switzler.
- 1850-1852, Absalom Hicks, Lewis W. Robinson, Steward B. Hatton.

- 1852-1854, James M. Gordon, Stephen Wilhite, David H. Hickman.
 1854-1856, James S. Rollins, Odon Guitar.
 1856-1858, William F. Switzler, Joseph B. Douglass.
 1858-1860, Odon Guitar, James Harris.
 1860-1862, John W. Harris, James M. Gordon.
 1862-1864, William Slade, William W. Todd.
 1864-1866, John W. Harris, Boyle Gordon.
 1866-1868, James S. Rollins, Rollin Lyman.
 1868-1870, Francis T. Russell, Tyre Harris.
 1870-1872, A. G. Newman, John L. Bass.
 1872-1874, Squire Turner.
 1874-1879, W. R. Wilhite.
 1879-1883, Jas. W. Kneisley.
 1883-1885, Jas. M. Proctor.
 1885-1891, Jas. W. Kneisley.
 1891-1893, D. W. B. Kurtz.
 1893-1895, Jno. L. Paxton.
 1895-1897, Henry Jenkins.
 1897-1899, Wm. H. Truitt, Jr.
 1899-1901, Jas. W. Kneisley. (Captain Kneisley died three weeks after the session began, and Webster Gordon was elected to fill the unexpired term.)
 1901-1903, Wm. F. Roberts.
 1903-1907, Jas. C. Gillespy.
 1907-1911, Morton H. Pemberton.
 1911-1915, Frank G. Harris.
 1915- Wm. H. Sapp.

Representatives Westerfield, Slack, Maupin, Woods, D. M. Hickman, Smith, Rowland, Hatton, Stephen Wilhite, James Harris, Jno. W. Harris, Lyman, Bass, W. R. Wilhite, Kurtz and Roberts were farmers; Representatives Kirtley, J. B. Gordon, A. W. Turner, King, Rollins, Persinger, Robinson, J. M. Gordon, Guitar, Douglass, B. Gordon, Russell, S. Turner, Truitt, Web Gordon, Gillespy, Pemberton, F. G. Harris and Sapp were lawyers; Representatives Parker, Knox, Tyre Harris, Newman, Proctor, Paxton and Jenkins were merchants; Representatives Moss, Jewell, Wilcox, Arnold and Todd were physicians; Representative D. H. Hickman, a banker; Representative Switzler, an editor; Representative Conyers, a tanner; Representative Wright, a surveyor; and Representative Kneisley, a carpenter.



JUDGE GEO. H. BURCKHARTT

STATE SENATORS

1822-1826, A. J. Williams	1868-1872, Jas. S. Rollins
1826-1830, Richard Gentry	1872-1874, Chas. H. Hardin
1830-1834, William Jewell	1875-1877, Dan'l H. McIntyre
1834-1838, Alex M. Robinson	1877-1879, Jno. A. Flood
1838-1840, Thomas C. Maupin	1879-1881, Jno. A. Hockaday
1838-1840, Archibald W. Turner	1881-1885, Jas. L. Stephens
1840-1842, Sinclair Kirtley	1885-1889, Jas. M. Proctor
1840-1842, Hiram Phillips	1889-1893, Sam C. Major
1842-1846, Tyre Harris	1893-1897, N. M. Baskett
1846-1850, Jas. S. Rollins	1897-1901, Ben M. Anderson
1850-1854, Sam'l A. Young	1901-1903, Thos. L. Rubey
1854-1856, Alex M. Robinson	1903-1907, Chas. J. Walker
1856-1860, Lewis W. Robinson	1907-1911, A. H. Drunert
1860-1862, Chas. H. Hardin	1911-1915, S. P. Beaven
1862-1866, Jas. M. Gordon	1915- Frank G. Harris
1866-1868, Paul Hubbard	

Senators Williams, Stephens and Proctor were merchants; Senator Gentry, a tavern keeper; Senators Maupin, Phillips and Tyre Harris were farmers; Senators Jewell, Baskett and A. M. Robinson were physicians; Senator Hubbard, a dentist; Senator Rubey, a teacher; Senator Anderson, a real estate dealer, and Senator Beaven was ex-probate judge of Callaway county. The remaining senators were lawyers.

Senators Hardin and McIntyre lived in Audrain county; Senators Flood, Hockaday and Beaven lived in Callaway county; Senator Major lived in Howard county; Senator Baskett lived in Randolph county; Senator Rubey then lived in Macon county; Senator Drunert lived in Montgomery county; and Senator Walker, when he was first elected, lived in St. Charles county. The district was changed, he moved to Boone county and was re-elected. The remaining senators lived in Boone county.

CIRCUIT, COUNTY AND PROSECUTING ATTORNEYS

Under different statutes, the different offices of circuit attorney, county attorney and prosecuting attorney have been created, and the following are the lawyers who have filled those positions since the organization of Boone county. It will be noticed that most of these lawyers did not live in Boone county; Hamilton R. Gamble, Abiel

Leonard, John Wilson, Charles French and Robert T. Prewitt lived in Howard county; William B. Napton lived in Saline county; Robert W. Wells and Samuel M. Bay lived in Cole county; Jno. F. Williams, Wm. C. Barr and Jno. H. Overall were from Macon county; H. M. Porter from Randolph county, and Jno. A. Flood from Callaway county.

CIRCUIT ATTORNEYS

1821-1824, Hamilton R. Gamble	1848-1853, Chas. H. Hardin
1824-1826, Abiel Leonard	1853-1857, Robert T. Prewitt
1826-1827, Charles French	1857-1861, Jno. F. Williams
1827-1828, John Wilson	1861-1862, H. M. Porter
1828-1836, Robert W. Wells	1862-1865, A. J. Harbinson
1836-1837, Wm. B. Napton	1865-1869, Wm. C. Barr
1837-1838, Samuel M. Bay	1869-1872, Jno. H. Overall
1838-1848, Jas. M. Gordon	1872-1873, Jno. A. Flood

COUNTY ATTORNEYS

1848-1852, Jas. S. Rollins	1863-1865, Boyle Gordon
1852-1863, Odon Guitar	1865-1873, Wellington Gordon

PROSECUTING ATTORNEYS

1873-1875, Wellington Gordon	1893-1897, Jas. L. Stephens
1875-1881, Shannon C. Douglass	1897-1903, Jerry H. Murry
1881-1883, J. DeW. Robinson	1903-1909, Frank G. Harris
1883-1885, C. B. Sebastian	1909-1911, L. T. Searcy
1885-1891, Carey H. Gordon	1911-1915, Emmett C. Anderson
1891-1893, J. DeW. Robinson	1915- W. M. Dinwiddie

The office of county attorney was established by the Act of February 25, 1843 (see Session Acts of Mo. 1842-1843, page 17): but it was left to the discretion of the county court to appoint one. The reason there was no county attorney of Boone county from 1843 to 1848 was that James M. Gordon was circuit attorney from 1838 to 1848, and he lived in Boone county, discharging the duties of county attorney. Sinclair Kirtley, John B. Gordon and Benjamin F. Robinson were employed as county attorney at various times prior to 1843. For some time after this office was established, the salary was fifty dollars per annum.

John H. Overall lived in Macon county at the time he became circuit attorney, but moved to Boone county during his term.

LAWYERS' FOURTH OF JULY

On July 4, 1827, the ladies of Columbia furnished the dinner and the Boone county lawyers furnished the oratory at a celebration on the court house square. Judge Warren Woodson presided, and speeches were delivered as follows: John B. Gordon, "Henry Clay, the orator and statesman; his bold and giant exertions in behalf of the political rights of Missouri can never be forgotten by her grateful citizens"; Jesse T. Wood, "The virgin purity of elections—her preservation essential to the perpetuity of our government; cajoled by an European parasite; debauched by a Kentucky libertine; she will in future avoid their incestuous embraces"; Sinclair Kirtley, "General Lafayette, the compeer of Washington, the patriot of the world; his name will be a watchword to the sons of freedom, while tyrants have a foe. May the sunset of his day be as peaceful as its meridian was glorious".

On July 4, 1842, the bench and bar of Boone county showed patriotism by having a celebration, far surpassing anything of its kind in recent years. Judge David Todd presided, Judge John Slack was vice president, Col. Wm. F. Switzler was secretary, and Judge John Vanhorn was marshal. The Declaration of Independence was read by John R. Bedford, and an oration was delivered by Wm. A. Robards, the exercises being held under the shade of a sugar grove.

A rainstorm compelled the celebrants to seek the shelter of a nearby church, when toasts were responded to as follows:

By Robert L. Todd: "The State University, our pride and boast. Palsied be the hand or tongue that would do or say anything to produce jealousy or dissension among the good people of this land in relation to its usefulness. An editor somewhere in Jackson county has attempted this thing; may he have the gout in his toes and chilblains in his fingers when he may attempt another such essay."

By Judge Warren Woodson: "George D. Foote, Elliott P. Cunningham and Phineas Kenyon, contractors for building the principal edifice of the University of the State of Missouri, whose fidelity, skill and untiring efforts in the discharge of their undertakings are only equalled by the liberality of the citizens of Boone in their donations to said object."

By James H. Moss: "May the utility of their country ever be the mainspring in directing the actions of American citizens."

By James S. Rollins: "The Constitution of the United States, the richest boon bequeathed by the patriots of 1776 to their posterity,

let us cherish and maintain its principles with the same patriotic devotion which actuated our forefathers in its adoption."

By John R. Bedford: "John Tyler; a political shuffler, what he loses in dancing he makes up in turning around."

EXAMINATION FOR ADMISSION

Under the old law, the circuit court appointed a committee of lawyers to examine the applicant for admission to the bar, and the examination often took place in private. The private examination occurred at a time when the lawyers were busy and usually was no examination at all. The examination in open court frequently occurred when the court was busy, often behind with the docket, so it many times was formal. Mr. Wellington Gordon said that a certain justice of the peace, who had played checkers in a law office long enough in his estimation to be admitted to the bar, was examined in open court in this county. He was asked to explain the difference between an executor and an administrator. "To the average man," said he, "there is no difference; but to the legal mind, there is a marked difference. An administrator has charge of a man's business after his death; while an executor has charge of his business before death." He was then asked to explain the difference between a man who died testate, and one who died intestate. His explanation was that a man died testate when he owned some property; but he died intestate when he owned no property.

To the Boone County Bar Association as much as any other organization is due the credit of the present statute, which provides for a state examining board and the legal standard for admission to the bar.

LAWYERS' LICENSES

On January 23, 1847, Thomas C. Maupin, sheriff and collector, reported to the county court that he had collected license from Jas. M. Gordon, Wm. A. Robards and F. T. Russell, \$2.50 each.

On September 14, 1847, a similar report was made to the county court, which showed that A. O. Forshea, Jas. S. Rollins and David Todd paid the same license.

On May 14, 1849, Wm. T. Hickman, sheriff and collector, reported that he had collected licenses from auctioneers, dramshop keepers, tavern keepers, peddlers, physicians and lawyers. The lawyers' licenses were collected from A. L. Vandiver, Garey & Robinson and Russell & Persinger, \$2.50 each.

On August 13, 1850, Wm. T. Hickman reported that he had collected lawyers' license from Jno. B. Gordon and John M. Myers, \$2.50 each.

Strange as it may seem, lawyers as well as physicians, were required to pay for a license in the "good old days," as provided by Session Acts of Mo. 1847, p. 124. All lawyers or firm of lawyers were required to deliver to the collector a written statement containing the amount of business done by such attorney or firm within the preceding twelve months; and a tax of \$2.50 was levied if the fees amounted to five hundred dollars or less, and at the rate of \$2.50 on each additional five hundred dollars income. All of the lawyers did not pay this license tax, but nothing seems to have been done with those who were thus derelict.

In 1851, this law was repealed. See Session Acts of Mo. 1850-51, page 251.

LAWYERS' RACES

Four of the most remarkable races that have been made in Boone county were made by lawyers, two in the county campaign, one in the city of Columbia and the third was in this senatorial district.

J. Sam Banks was admitted to the bar in February, 1894, and was therefore a briefless, clientless as well as penniless lawyer. He was anxious to be city attorney, but could not get any one to nominate him at the democratic city convention. He concluded that he would run as an independent, as he had everything to gain and nothing to lose. He did so, visited every dwelling house in Columbia and secured the aid of the women of Columbia. He told them that his father, Dr. J. W. Banks, had recently died, that his estate proved to be insolvent, on account of the practice that he did for the poor, and that he wanted to get a start, etc. Mr. Banks' name was not printed on any ticket, and every one who voted for him had to write his name on the ballot. But such a fine campaign did he make that he defeated the democratic nominee in every ward of democratic Columbia. Mr. Banks' majority in the city was two hundred and thirty-five.

Walter E. Nicklin moved with his widowed mother to Columbia in 1886, when he entered the law department of the Missouri University. Two years later he graduated, and decided to run for public administrator of Boone county. He did not know anybody outside of Columbia, and very few persons in Columbia; and his opponent was a lawyer of experience and of wide acquaintance in the county, as

well as a fine citizen. Mr. Nicklin got himself a sway-back mare that had a mule colt; and he and the old mare and mule colt visited every election precinct that summer. He told that his opponent had a large private business; while he had no practice at all, and would be glad to attend to even the smallest estate. Either his argument was convincing, or his mare and colt were pleasing; the result was that Nicklin was successful in the democratic primary of 1888 by a majority of one thousand and sixty votes.

In 1868, Maj. Jas. S. Rollins was a candidate for the state senate, having announced after he learned that his friend, David H. Hickman, had withdrawn. As Major Rollins ran as a liberal republican, most of his friends were unable to vote, owing to disfranchisement. But he secured the certificate of election. However, his election was contested; but the senate, a majority of whose members differed with him politically, declared him elected. It might be added that his services in that body were of the greatest value to his county and state.

In 1876, Wm. J. Babb and Monroe Ellington were young men just out of the University, and each desired to be public administrator of Boone county. On the day that the county democratic convention was held in the court house, they called on a delegate, while the convention was in session, and asked him to nominate both of them and see which would get the most votes. The delegate declined, saying they must settle it between themselves, and he would nominate the one they agreed on. Accordingly, Babb and Ellington drew straws, and Babb drew the long straw. Mr. Babb was nominated by the delegate, and defeated the then incumbent of that office, who was a candidate for re-election. Mr. Babb was elected at the November election, and re-elected four years later.

LAWYERS AS FRIENDS OF EDUCATION

Not only have the bench and bar of this county been prominent in politics, but they have been ever active in the work of education. In 1829, the Bonne Femme Academy was organized in this county, and Warren Woodson and Sinclair Kirtley were among the first trustees; also County Judges William Shields, Gilpin S. Tuttle and Overton Harris.

David Todd, Warren Woodson, Jno. B. Gordon and Sinclair Kirtley were among the first trustees of Columbia College, the institution which was organized in 1831, and which has been termed the "seed from which the University grew". Thomas Miller, afterwards a Columbia lawyer, was the first president of Columbia College, and James S. Rollins was the first secretary of the board.

In 1833, the Columbia Female Academy was organized. Austin A. King was one of the first trustees, and William Shields was the first secretary.

The bench and bar have been specially prominent in their work for the State University. James S. Rollins, properly called the "Father of the University of Missouri", was largely responsible for its creation and its location in Boone county. In this great work, he was ably assisted by David Todd, Warren Woodson, Archibald W. Turner, Sinclair Kirtley, Jno. B. Gordon and Jas. M. Gordon, all of whom liberally contributed to the University fund of 1839. At different times, the following members of the bench and bar of Boone county have served on the board of curators; Priestly H. McBride, Warren Woodson, William A. Robards, Alexander Persinger, James S. Rollins, Lewis W. Robinson, Jno. B. Clark, Odon Guitar, Robert L. Todd, Francis T. Russell, Wm. F. Switzler, Jno. F. Philips, Jno. A. Flood, Jas. H. Moss, Squire Turner, Chas. H. Hardin and Curtis B. Rollins, Judge John A. Hockaday, Judge John Hinton, and County Judges William Lientz, William Shields, John Slack, Peter Wright and M. R. Arnold. As mentioned elsewhere, R. L. Todd was secretary of the board of curators for a number of years, and J. G. Babb has been secretary for the past twenty-five years.

Judge David H. Harris, Judge James Harris, Judge Geo. W. Trimble, Wm. J. Babb, and Wm. H. Truitt, Jr., have been trustees of Stephens College. And Judges Jesse A. Boulton, David Gordon, M. R. Arnold and Alexander Persinger, and Attorneys Wm. F. Switzler, Jas. S. Rollins, Boliver S. Head, Shannon C. Douglass and Frank G. Harris have been trustees of Christian College.

Charles H. Hardin, after he moved to Audrain county, endowed a school for girls in Mexico, now known as Hardin College.

And in 1873, when the Columbia public schools were organized, Thomas B. Gentry was the first president of the board; and E. C. More and Jno. M. Samuel were members. Since then, Francis T. Russell, Odon Guitar, L. T. Searcy and F. W. Niedermeyer have served as presidents of the school board.

Thos. S. Carter, of Sturgeon, Arthur Bruton and H. S. Booth, of Centralia, and Eli Penter, of Ashland, have been presidents of the school boards in their respective districts.

It should also be said in this connection that the present judge of the circuit court, the present judge of the probate court, and all of the practicing lawyers now living in Boone county, with three exceptions, are graduates of the Missouri University Law School.

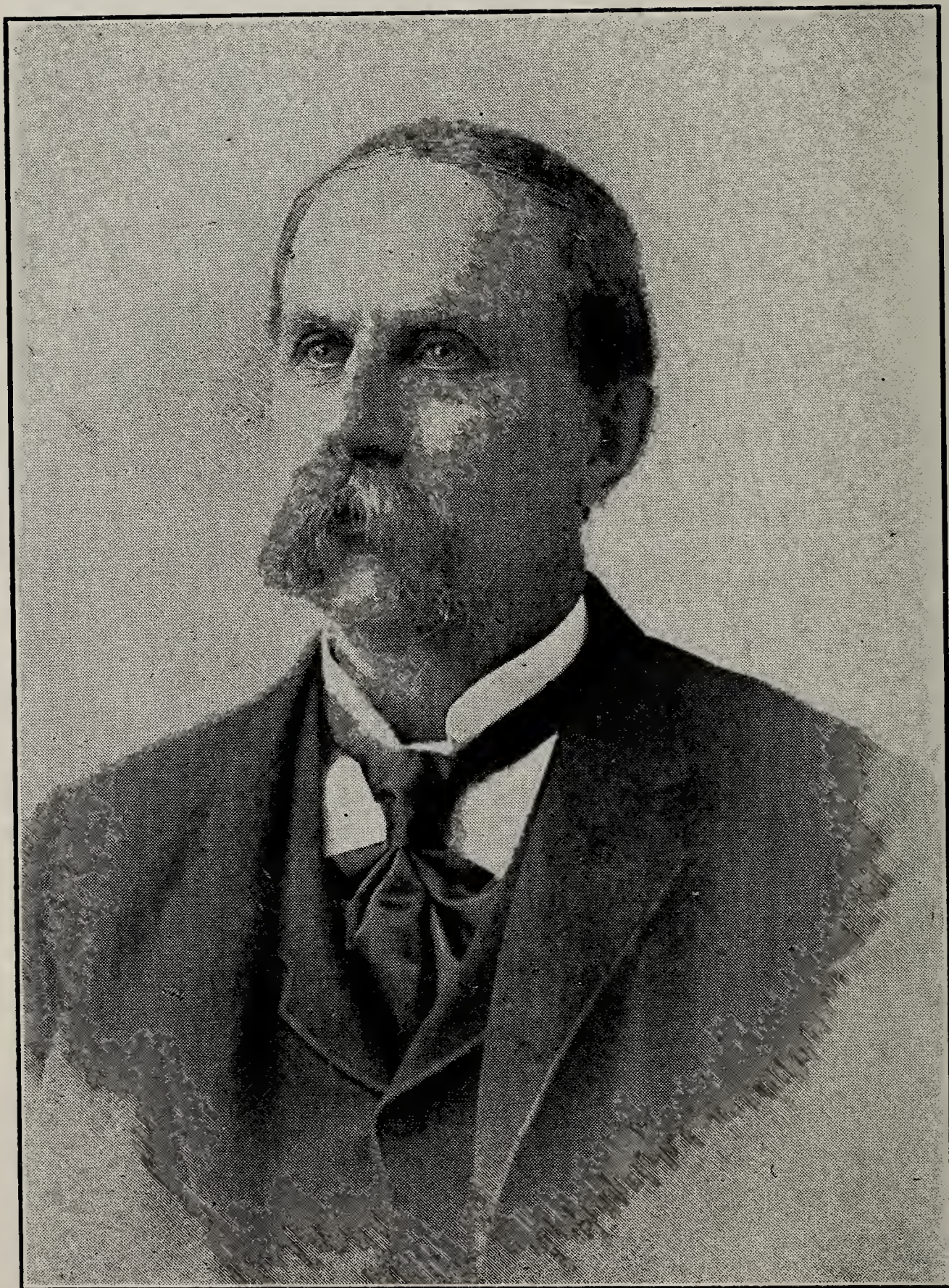
LAWYERS FAVOR ROADS

In 1851, when the North Missouri Railroad was constructed, Jas. S. Rollins was elected one of its directors and served a number of years. When the Boone County & Jefferson City Railroad (now the Columbia branch of the Wabash) was constructed, Jas. S. Rollins, Wm. W. Tucker, Wm. F. Switzler and Francis T. Russell were among the promoters and directors. In 1878, when the C. & A. Railroad was built through the northern part of the county, Thos. S. Carter, M. G. Singleton, J. T. Redmond, Jno. C. Richardson and perhaps other members of the bar were its active workers and supporters. When the Central Missouri Railroad was projected through the Southern part of Boone county in 1886 and 1887, Odon Guitar was the moving spirit. Although this road was never constructed, the M., K. & E. (now the M., K. & T.) was built a few years later and largely along the proposed line of the Central Missouri. And in 1899, when the Missouri Midland (now the Columbia branch of the M., K. & T.) was constructed, Odon Guitar, Squire Turner and Wellington Gordon made speeches, assisted in procuring the right-of-way and in securing the necessary bonus.

The bench and bar have also worked for better county roads. Judge John Hinton, Judge Jas. M. Gordon, Judge Joseph W. Hickam, Jno. M. Samuel, Judge E. W. Hinton, Judge James Arnold, Robert L. Todd and Francis T. Russell were directors of the Columbia and Rocheport gravel road. Judge Jesse A. Boulton and Judge Hiram Phillips were directors of the Columbia and Black Foot gravel road. Judge David Gordon, Judge P. H. McBride, A. W. Turner, Judge M. R. Arnold and Carey H. Gordon were directors of the Columbia and Cedar Creek gravel road. Boyle Gordon, Odon Guitar, Judge James Harris and Eli Penter were directors of the Columbia and Ashland gravel road. And Judge Gilpin S. Tuttle, Jas. S. Rollins, J. B. Douglass, Judge Warren Woodson and Judge W. Porter Tuttle were directors of the Columbia and Providence plank road. Judge Jno. A. Stewart is now one of the commissioners of the Columbia special road district.

LAWYERS IN LITERARY AND DRAMATIC SOCIETIES

In 1841, the Columbia Lyceum, a debating club, was organized and held its meetings first in the Union Church in Columbia, and afterwards in the court house of 1847. The following lawyers were active in its organization: Jno. F. Stone, Wm. A. Robards, Lewis W. Robinson, Jno. R. Bedford, Francis T. Russell, Chas. H. Hardin,



JUDGE JNO. A. HOCKADAY

Wm. F. Switzler and Saml. A. Young; and later Odon Guitar, Robert L. Todd, Thomas P. Giles and Squire Turner. Once a month lectures were delivered by members of the lyceum in the court house, to which the public was invited; and these lectures were equal to many of those now delivered on the chautauqua platform or in the college chapel. Jno. F. Stone delivered an address on "The Unfading Beauty of Knowledge Contrasted with the Mutability of Human Grandeur and Greatness"; and Jno. R. Bedford spoke on "The Superiority of Moral and Intellectual Power to Arbitrary Sway".

A few years later, the Columbia Thespian Society was formed, gave entertainments in the court house of 1847 and Odon Guitar, Samuel A. Young and Francis K. Lynch were the leading performers. It is said that some of the costumes and many of the entertainments (mostly from Shakespeare) were equal to any to be seen on the stage in a modern play house.

HONORED AFTER LEAVING BOONE

Five Boone county lawyers became governors after they removed from Boone county. Austin A. King, Charles H. Hardin and Wm. J. Stone were governors of Missouri; John J. Jacob became governor of West Virginia; and Benjamin J. Franklin was governor of Arizona. Henry B. Babb became assistant attorney general of Colorado; and James Cooney, Benjamin J. Franklin and Wm. J. Stone were elected to Congress; and Wm. J. Stone elected to the United States Senate. Priestley H. McBride, Thomas A. Russell, Chas. H. Mayer, Shannon C. Douglass and Jno. G. Slate became judges of the circuit courts; Jno. A. Rich and Geo. L. Horine became judges of criminal courts; Lewis W. Robinson became judge of superior court; Henry F. Garey became judge of the Baltimore court of common pleas; and Robert B. Todd and Priestley H. McBride became judges of the supreme courts of Louisiana and Missouri, respectively. After James R. Shields moved from Columbia, he was appointed solicitor of treasury department by President Cleveland. Mention is made of these facts, not to encourage lawyers to leave Boone county, but to show how Boone county lawyers have been appreciated outside of Boone county.

Several Boone county lawyers became bankers, teachers, farmers and editors; several engaged in various pursuits of business; while Wm. H. Robinson, Saml. A. Riggs Wm. R. Jones and Walter E. Boulton gave up the law and became ministers. And Robert T. Haines is on the stage.

CHAPTER IV

COURTS OF BOONE COUNTY

CIRCUIT COURT

The first term of the Boone circuit court was held at Smithton on April 2, 1821, and, there being no court house and no building large enough where court could be held, Judge David Todd, the newly appointed judge of the first judicial circuit, convened court under the spreading boughs of a surgar tree.* This tree still stands, as a monument to the bench and bar of that early time. Boone county has had three court houses, the court house of 1824, the court house of 1847 and the court house of 1909, and all three stood on the same public square in Columbia. Circuit court has also been held at Richard Gentry's tavern (which was the first house erected in Smithton), and at the old Todd house in Columbia. It is a matter of regret that there is no picture in existence of the court house of 1824.

JUDGES OF CIRCUIT COURT

1821-1837, Judge David Todd
1837-1840, Judge Thomas Reynolds
1840-1847, Judge Jno. D. Leland
1847-1862, Judge Wm. A. Hall
1862-1890, Judge Geo. H. Burckhartt
1890-1903, Judge Jno. A. Hockaday
1903-1909, Judge Alex. H. Waller
1909-1911, Judge N. D. Thurmond
1911- Judge David H. Harris

SPECIAL JUDGES

Judge Philemon Bliss, of Boone County
Judge Nat M. Shelton, of Macon County
Judge James D. Barnett, of Montgomery County

*This tree is now standing on ground owned by Edward Farley; and Mr. Farley says that General Odon Guitar told him that is the tree where circuit court was first held. And R. B. Price says that David M. Hickman and Jefferson Garth pointed out the same tree to him. A picture of that tree may be seen herein.

Judge William N. Evans, of Howell County
Judge Nick M. Bradley, of Johnson County
Judge Samuel Davis, of Saline County
Judge R. S. Ryors, of Osage County
Judge A. D. Burnes, of Platte County
Judge Fred Lamb, of Chariton County
W. A. Martin, of Randolph County
Charles Martin, of Lincoln County
Alexander Martin, of Boone County
Lewis M. Switzler, of Boone County
E. W. Hinton, of Boone County
N. T. Gentry, of Boone County
M. R. Conley, of Boone County

CIRCUIT CLERKS

Owing to the fact that the circuit clerks have been so closely associated with the bench and bar, and several of them have been members of the bar, a list of the clerks is herewith given, and their years of service.

1821-1846, Roger North Todd
1846-1867, Robert L. Todd
1867-1875, Jno. M. Samuel
1875-1883, Walter W. Garth
1883-1891, Josiah W. Stone
1891-1899, Walter F. Hodge
1899-1907, Hugh M. Hall
1907- James E. Boggs

OFFICIAL STENOGRAPHERS

In 1887, the General Assembly passed an act, providing for "shorthand reporters" to be appointed by the circuit judge, and Judge Burckhardt appointed Miss Laura Matthews. The following have served in that capacity, though they have discarded the name "shorthand reporters", and are known as "official stenographers":

1887-1904, Miss Laura Matthews, Columbia
1904-1909, Arthur B. Chamier, Moberly
1909- Howard B. Lang, Fulton

Before 1887, the lawyer or lawyers who lost in the circuit court prepared the bill of exceptions; and usually did so one night during that term of court. Old lawyers say that it often took them all night

to write out the testimony; and that no one thought of taking until the next term in which to prepare the bill. But the appointment of a stenographer almost revolutionized the practice. Prior to that, few lawyers practiced in the appellate courts and few cases were appealed. But after Miss Matthews learned to prepare bills of exceptions, appellate practice was simplified and Boone county lawyers soon became familiar with proceedings in the higher courts.

Mr. Chamier is now a practicing lawyer in Randolph county and a member of the firm of Hunter & Chamier.

Mr. Lang is a very useful man in this judicial circuit; he not only understands short-hand, but acts as interpreter for witnesses who are deaf and dumb.

JUDICIAL CIRCUITS

At the time of the appointment of Judge Todd to the circuit bench in 1821 by Governor Alexander McNair, the first judicial circuit extended from Callaway county to Independence and from the Osage River north to the Iowa line.

On February 5, 1825, the first judicial circuit of Missouri was formed (see R. S. Mo. 1825, page 279), and this circuit consisted of the counties of Boone, Howard, Chariton, Ray, Clay, Lillard (now Lafayette), Saline, Cooper and Cole. At that time, Missouri had only four judicial circuits.

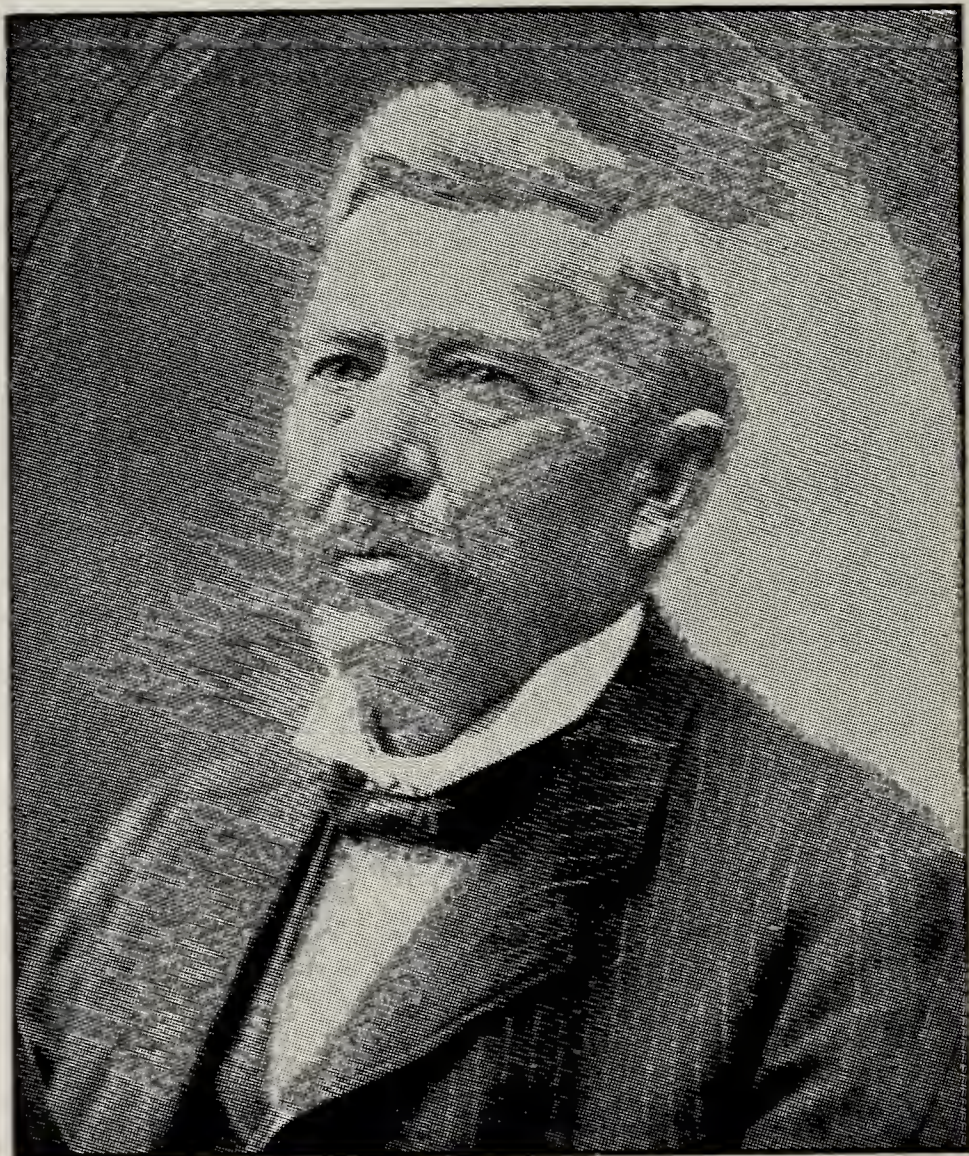
On March 17, 1835, the first judicial circuit was formed (see R. S. Mo. 1835, page 162), and this circuit consisted of the counties of Howard, Boone, Callaway, Randolph, Monroe, Cole, Saline and Cooper. At that time, Missouri had seven judicial circuits.

By Act approved January 31, 1839, the counties of Randolph, Callaway, Boone and Howard were placed in the second judicial circuit. See Session Acts of Missouri, 1839, page 34.

On March 27, 1845, the second judicial circuit was formed (see R. S. Mo. 1845, page 321), and this circuit consisted of the counties of Audrain, Boone, Callaway, Howard, Randolph and Macon. At that time, Missouri had fourteen judicial circuits.

On December 12, 1855, the second judicial circuit was formed (see R. S. Mo. 1855, page 545), and this circuit consisted of the counties of Boone, Callaway, Howard, Randolph and Macon. At that time, Missouri had sixteen judicial circuits.

On March 15, 1872, the second judicial circuit was formed (see Session Acts of Mo. 1872, page 31), and this circuit consisted of the counties of Boone, Howard, Randolph, and Callaway. At that time,



JUDGE ALEX H. WALLER

Missouri had twenty-nine judicial circuits. On April 7, 1892, the General Assembly passed an act placing Randolph, Howard, Boone and Callaway in a circuit known as the ninth judicial circuit (see Session Acts of Mo. 1892, page 9).

On April 13, 1909, the thirty-fourth judicial circuit was formed (see Sessions Acts Mo. 1909, page 416), and this circuit consisted of the counties of Boone and Callaway. At that time, Missouri had thirty-five judicial circuits.

COURT OF COMMON PLEAS

On January 10, 1860, the Sturgeon court of common pleas was established, and it was made a part of the second judicial circuit (see Session Acts of Mo. 1859-1860, page 17). It was given jurisdiction in civil cases over parts of four counties, viz., Boone, Audrain, Howard and Randolph. A two-story brick building in the eastern part of Sturgeon serves as a court house and also a city hall. This court continued to be presided over by the judge of the Boone circuit court till 1909, when Boone and Callaway were formed into a new circuit; and the Sturgeon court of common pleas remained a part of old circuit. The lawyers who have practiced in this court are mostly the lawyers from the northern part of Boone county, and lawyers from Mexico and Moberly. After M. M. Jesse quit the practice, Thos. S. Carter was the only attorney who had more than one case during a term of this court. So when Judge Hockaday told the marshal (who was a new official) to open court, he went to the window and called out, "Oh, yes; oh, yes; oh, yes; Tom Carter's court of common pleas is now in session!"

JUDGES OF COURT OF COMMON PLEAS

Judge Wm. A. Hall
Judge Geo. H. Burckhardt

Judge Jno. A. Hockaday
Judge Alex H. Waller

SPECIAL JUDGES

Wellington Gordon
Arthur Bruton

E. C. Anderson
Thos. S. Carter
N. T. Gentry

CLERKS OF COURT OF COMMON PLEAS

It is appropriate here to give a list of the clerks of this court, and their years of service:

1860-1864, Jackson T. Burnham
 1864-1865, Samuel F. Cross
 1865-1866, Benj. F. Croswhite
 1866-1873, Marshall H. Harris
 1873-1890, Thomas S. Carter
 1890-1900, Jacob V. Kemper
 1900-1902, Samuel N. Yeates
 1902-1913, W. F. Keith
 1913- W. Hunter Price

COUNTY COURT

The first term of the county court was also held at Smithton, and on February 19, 1821, and court was opened by Justices Lazarus Wilcox and Anderson Woods. They were later joined by Peter Wright, who was the first presiding justice. There being no public building in Smithton, court was convened at the tavern kept by Col. Richard Gentry. The first official act on that day was the appointment of Warren Woodson, as clerk of that court, which office he held continuously till 1860; and he was afterwards county clerk in 1867 and until his death in 1868.

JUDGES OF COUNTY COURT

1821-1822, Peter Wright, Anderson Woods, Lazarus Wilcox
 1822-1826, William Lientz, Lawrence Bass, Silas Riggs
 1826-1826, Priestly H. McBride, Jas. E. Fenton, Wm. Shields
 1826-1827, Priestly H. McBride, Tyre Harris, John Henderson
 1827-1827, Tyre Harris, William Shields, John Henderson
 1827-1828, Priestly H. McBride, John Henderson, Young E. Hicks
 1828-1829, Jas. W. Moss, Joseph Marshall, William Lientz
 1829-1831, Jas. McClelland, Jas. W. Moss, William Lientz
 1831-1833, Jas. McClelland, Tyre Harris (resigned in 1832), Jos. W. Hickam
 1833-1834, Jas. McClelland (died in office in 1833), Jos. W. Hickam, Michael Woods
 1834-1834, Jos. W. Hickam, Jas. W. Moss, Michael Woods
 1834-1835, Michael Woods, James M. Gordon, Jesse Hart (died in office in 1835)

- 1835-1836, James M. Gordon, Michael Woods (resigned from office in 1836), Hiram Phillips
- 1836-1838, Jas. M. Gordon, Alexander Persinger, Hiram Phillips
- 1838-1840, Hiram Phillips (resigned from office in 1840), Matthew R. Arnold, Overton Harris
- 1840-1841, Matthew R. Arnold, R. H. Gentry, Overton Harris
- 1841-1842, Matthew R. Arnold, Jas. W. Daly, Overton Harris
- 1842-1846, Alexander Persinger, Jas. W. Daly, Gilpin S. Tuttle
- 1846-1858, Alexander Persinger, Jas. W. Daly, John Vanhorne
- 1858-1860, Alexander Persinger, Jas. W. Daly, John W. Hall
- 1860-1862, James W. Daly, John W. Hall, James Arnold
- 1862-1863, James W. Daly, James Arnold, Hiram Phillips
- 1863-1865, James W. Daly, David Gordon, James Arnold
- 1865-1867, James W. Daly, David Gordon, John Berkebile
- 1867-1870, James Arnold, John W. Hall, James Harris
- 1870-1872, James Arnold, David Gordon, James Harris
- 1872-1874, James Harris, David Gordon, Jno. Y. Batterton
- 1874-1875, David Gordon (died in office in 1875), Boyle Gordon (resigned in 1875), Jno. Y. Batterton, Jesse A. Boulton, Hail T. Wright
- 1875-1876, Jno. Y. Batterton, Jesse A. Boulton, Hail T. Wright
- 1876-1877, Jno. Y. Batterton, Jesse A. Boulton, Hail T. Wright
- 1877-1879, David Pipes, Jesse A. Boulton, Hail T. Wright
- 1879-1881, David Pipes, Wm. F. Roberts, James Harris
- 1881-1883, David Pipes, Wm. F. Roberts, W. Porter Tuttle
- 1883-1885, Wm. F. Roberts, Jas. M. Angell, W. Porter Tuttle
- 1885-1887, Wm. F. Roberts, Jas. M. Angell, Andrew F. Gentry
- 1887-1895, Wm. F. Roberts, Jas. M. Angell, Frank M. Smith
- 1895-1897, Ben M. Anderson, Geo. W. Trimble, Jno. A. Stewart
- 1897-1898, Ben M. Anderson, W. F. Robinson, Jno. A. Stewart
- 1898-1899, Geo. W. Trimble, W. F. Robinson, Jno. A. Stewart
- 1899-1901, Chas. C. Turner, W. F. Robinson, W. S. Wilson
- 1901-1905, Chas. C. Turner, S. N. Woods, W. S. Wilson
- 1905-1911, Chas. C. Turner, S. N. Woods, Jno. S. Bedford
- 1911- Wm. T. Johnson, Ben Tate, Joshua T. Rowland

Four county judges were lawyers, viz., P. H. McBride, Alexander Persinger, Jas. M. Gordon and Boyle Gordon; Ben M. Anderson, Jno. A. Stewart and Geo. W. Trimble were in the real estate business; James W. Moss and Matthew R. Arnold were physicians; Gilpin S. Tuttle and W. Porter Tuttle (uncle and nephew) were merchants; Peter Wright and William Shields were surveyors; Jesse A. Boulton was a teacher; and Anderson Woods was a Columbia Baptist preacher. The remaining judges were farmers.

COUNTY CLERKS

The county clerks, too, have constituted a part of the bench and bar of this county; so it is proper that their names should here be given, and their years in office:

1821-1860, Warren Woodson
 1860-1867, Joseph B. Douglass
 1867-1868, Warren Woodson
 1868-1875, Henry N. Cook
 1875-1891, Wallace W. Batterton
 1891-1899, Jno. F. Murry
 1899-1907, L. T. Searcy
 1907-1915, Jno. L. Henry
 1915- Chas. W. Davis

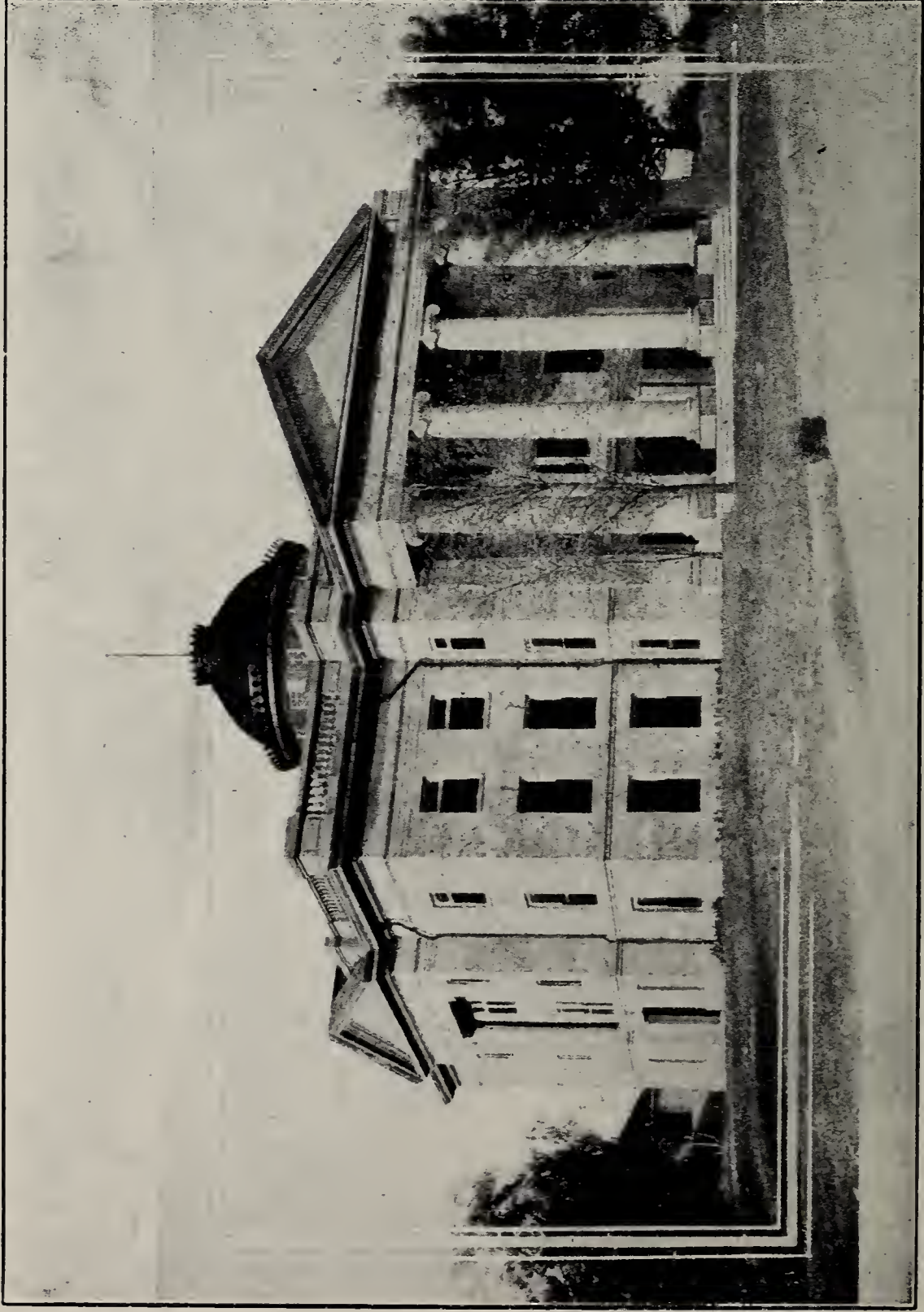
SHERIFFS

The sheriffs of Boone county are properly mentioned, as several of them have been prominent as lawyers and judges. The following have been our sheriffs:

1821-1822, Overton Harris	1868-1870, Frank D. Evans
1822-1826, James Barnes	1870-1872, James C. Orr
1826-1830, Harrison Jamison	1872-1877, Jas. C. Gillespy
1830-1834, Thos. C. Maupin	1877-1879, Jas. C. Orr
1834-1836, Wm. S. Burch	1879-1883, Josiah W. Stone
1836-1840, John Martin	1883-1887, Wm. A. Goodding
1840-1844, Fredrick A. Hamilton	1887-1891, Jno. G. Evans
1844-1848, Thos. C. Maupin	1891-1895, Wm. I. Roberts
1848-1850, Wm. T. Hickman	1895-1899, Jas. T. Stockton
1850-1854, Jos. B. Douglass	1899-1901, Wm. R. Baldwin
1854-1858, Jeremiah Orear	1901-1905, Frank C. Bradford
1858-1862, Jno. M. Samuel	1905-1909, Fount Rothwell
1862-1864, Jas. H. Waugh	1909-1913, Wilson Hall
1864-1866, Jno. F. Baker	1913- G. B. Sapp
1866-1868, James C. Orr	

PROBATE COURT

As clerk of the county court, Warren Woodson was also probate judge, and discharged the duties pertaining to that office for many years. Afterwards, probate jurisdiction was given to the county court; but at all times, the court deferred to the judgment of Judge Woodson in probate matters. In 1872, the general assembly separated the pro-



COURT HOUSE OF 1909

bate business from the county court, and created the probate court. Judge James A. Henderson, of the Boone county bar, was first appointed probate judge by the governor, and served till the next election; when Judge John Hinton, a business man of Rocheport, and a farmer in Missouri township, was elected; and he served for nineteen years.

JUDGES OF PROBATE COURT

1821-1826, Judge Warren Woodson
1872-1873, Judge Jas. A. Henderson
1873-1891, Judge John Hinton
1891-1892, Judge Walter W. Garth
1892-1907, Judge Lewis M. Switzler
1907- Judge John F. Murry

JUVENILE COURT

In 1913, the General Assembly passed an act, providing for a juvenile court in counties like Boone, and giving jurisdiction over juvenile offenders to the probate court. Miss Laura Searcy, daughter of L. T. Searcy, was appointed probation officer for Boone county. After a few cases had been presented to the Boone probate court, the question of the constitutionality of the legislative act was raised; and the court took the matter under advisement. Then a similar case arose in Callaway county, and the circuit court of that county held that the state constitution fixed the jurisdiction of the probate court, and that it had no jurisdiction in criminal cases, and this decision was affirmed by the supreme court (see *State ex rel. v. Tincher*, 258 Mo. 1).

JUSTICE'S COURT

As far as our records show, the first civil case ever tried before a justice of the peace in this county was the case of Henry Elliott & Son against Robert Hinkson, which was a suit on a judgement rendered by a justice of the peace of Ste. Genevieve county. This suit was filed on January 22, 1821, and John Slack (the grandfather of Miss Pearle Mitchell) was the justice. Mr. Slack then lived on a farm about three miles southwest of the present postoffice of Hinton, and on a stream known as "Slack's Branch." The summons commanded the constable to notify the defendant to appear before the justice at the dwelling house of said justice in Smithton township. The words of "Roche Perche township" were first written in this summons, and then a line was drawn through them, and the words

"Smithton township" added. In this summons, the words "Territory of Missouri" were first written, and then the word "Territory" erased and the word "State" was interlined. The justice also forgot that Boone county was no longer a part of Howard, for he wrote "County of Howard", and then scratched Howard and wrote Boone. Robert Hinkson was the man for whom Hinkson Creek was named. He lived on a farm east of Columbia, near that stream. At the trial of this case before the magistrate, Hinkson lost; but he was successful on appeal to the circuit court.

In November, 1820, Governor McNair commissioned the first justices of the peace of Boone county; they were John Slack and John Henderson, of Smithton township; Tyre G. Harris and John Gray of Monitor township; Tyre Martin, of Cedar township; and John Anderson, of Roche Perche township. In 1821, Governor McNair commissioned Richard Cave and Harrison Jamison, of Columbia township; James Cunningham, of Cedar township; and Silas Riggs, of Rocky Fork township. The commission of each justice recites that he had been appointed by the general assembly of the state. In 1822, Governor McNair commissioned Jas. R. Abanathy and William Shields justices for Rocky Fork and Cedar townships respectively; and their commissions recite that they had been appointed by the county court. In 1821, there were only five townships in Boone county, Smithton, Monitor, Rocky Fork, Cedar and Roche Perche. Smithton township consisted of the present township of Columbia and two miles off of the east part of the present township of Missouri, and four sections of land in the southeast corner of the present township of Perche. Monitor township consisted of what is now Missouri township, except two miles off of the east part thereof. Roche Perche township consisted of the present township of Perche, less the four sections in the southeast corner thereof. Rocky Fork township consisted of the present townships of Rocky Fork, Centralia and Bourbon. Later, in the year 1821, the name of Smithton township was changed to Columbia, and the name of Monitor township was changed to Missouri; and the lines between Columbia, Missouri and Perche townships were established as they are now. In June, 1854, Bourbon township was organized by an order of the county court, and it included what is now Bourbon and Centralia townships, and a small part of Perche township. In July, 1874, Centralia township was organized by an order of the county court. Hence some of the justices of Rocky Fork township were afterwards justices of Bourbon township, and two of the justices of Bourbon township were afterwards justices of Centralia township.

By referring to the list of justices, it will be seen that Boone county has been singularly fortunate in the selection of them. One justice became county clerk, three circuit clerk, three prosecuting attorney, one circuit attorney, two county surveyor, and three state senators. Dr. T. S. Sneed was a physician, while Dr. A. J. Harris and Dr. Paul Hubbard were dentists. Walter C. Maupin, R. H. Bullard, M. P. Baldwin, Jackson T. Burnham and Wm. H. Jeffries were ministers. Eight justices were merchants, three real estate agents and thirty-nine were lawyers. Frank D. Evans was a banker, John T. McCauley a miller, Fenton P. Griffin an editor, and C. V. Bicknell a carpenter. The others were farmers.

In 1845, the justices of Columbia township had the first and fourth Mondays in every other month for law days; the justices of Cedar township had the fourth Saturdays in every other month for law days; the justices of Rocky Fork township had the third Fridays in every other month for law days; the justices of Missouri township had the third Thursdays in every other month for law days; and the justices of Perche township had the second Saturdays in every other month for law days. These dates were duly advertised in the "Missouri Statesman".

JUSTICES OF THE PEACE

BOURBON TOWNSHIP

W. L. Wayne	Geo. W. Gulick
Archibald B. Sweeney	S. W. Early
Reed Jones	Joseph E. Proctor
R. F. Cook	John T. McCauley
H. S. Chalman	S. W. Shryock
Robert Schooling	J. B. Allison
Giles Adams	J. W. Patterson
Overton G. Harris	David S. Mahan
N. B. Burks	W. D. Oliver
W. R. Schooler	Jno. A. Douglass
Randolph S. Simms	S. F. Cross
John D. Hawkins	A. S. McAllister
W. T. Jarman	G. F. Brundage
Joseph W. Collins	Saml. N. Yeates
E. G. F. Ross	S. N. Woods
Wm. B. Yeates	Dr. A. J. Harris
James M. West	Emmett C. Anderson
Samuel C. Clinton	Joel A. Douglass

A. A. Simms
T. S. Sweeney
Andrew F. Gentry
W. S. St. Clair

J. C. White
J. W. Hulett
Mansil Sims

CEDAR TOWNSHIP

Tyre Martin
James Cunningham
William Shields
James Callaway
James Harris
William Huggait
G. W. Tuttle
Geo. H. Johnson
Mosias Jones
Overton Harris
R. M. May
Jacob Kuykendall
John Ellis
Samuel Winfrey
Geo. T. Watson
Franklin Jackson
Francis Connelly
Walter C. Maupin
Jesse Griffin
R. A. Bondurant
Robert J. Martin
Jas. H. Fulkerson
Jno. G. Shelnut
William Little
Isaac T. Jeffrey
Jno. A. Dykeman
Ben F. Orear
Thos. C. Parker
Andrew G. Payne

John Ripetoe
Henry T. Britt
Wm. P. Boqua
James Pilcher
R. H. Bullard
R. V. Burnett
Frank M. Smith
Wm. W. Wilson
L. L. Lindsey
R. A. Roddy
Chas. B. Adkins
Jas. E. Ballenger
Jas. G. Roddy
E. R. Westbrook
Tyre M. Jones
Wirt J. Warren
W. J. Patterson
B. R. Carrender
Luther T. Pulliam
Asa C. Bledsoe
D. N. Epperson
Wm. R. Old
Jas. H. English
Jas. S. Pauley
D. R. Martin
L. L. Nichols
Fenton P. Griffin
Jno. A. Thomas
H. A. Niemeyer

CENTRALIA TOWNSHIP

Wm. L. Connevey
James M. West
S. W. Early
Jas. M. Angell

Philip S. Hocker
Thomas S. Sneed
Dr. A. F. Sneed
Thomas B. Sparlock

Henry S. Booth
D. N. Newman
Josiah Hall
Jno. K. Boyd
Joseph H. Crews

Joe H. Cupp
Chas. W. Lyon
Chas. C. Jennings
Hume Smith
Jas. T. Stockton

COLUMBIA TOWNSHIP

Richard Cave
Harrison Jamison
Thomas D. Grant
John Williams
Richard Gentry
Priestly H. McBride
Jesse T. Wood
James Barnes
Warren Woodson
James Kirtley
Peter Wright
Alexander Persinger
B. F. Robinson
Levi McGuire
James M. Gordon
Archabald W. Turner
Henry H. Ready
Thomas Porter
Madison D. Stone
Francis T. Russell
David Gordon
William A. Carter
Lewis H. Pemberton
Alex Douglass
Jas. H. Northcutt
Dr. Paul Hubbard
John Lackland
Wm. L. Connevey
Jas. A. Henderson
Thos. B. Gentry
Richard J. Smith
Samuel Batterton
James T. Harris
James Bergwin

James R. Shields
F. F. C. Triplett
William H. Jacobs
Frank D. Evans
Jno. M. Samuel
William J. Babb
Wm. S. Pratt
Wm. H. Allen
Wm. A. Goodding
C. B. Sebastian
J. G. Babb
J. E. Crumbaugh
Walter E. Boulton
Webster Gordon
Ben F. McGuire
Wm. H. Truitt, Jr.
Walter E. Nicklin
Jas. C. Gillespy
H. E. Brown
Warren Frazier
C. V. Bicknell
Ev. M. Bass
Jasper A. Phillips
J. Sam Banks
W. P. Berry
Jno. S. Bicknell
Jas. E. Boggs
Jas. T. Stockton
James Hale
Wm. S. Banta
J. C. Ballew
D. W. B. Kurtz, Jr.
Henry G. Sebastian

MISSOURI TOWNSHIP

John Gray	Lewis W. Robinson
I. C. Hensley	J. H. Ravenscraft
John T. Foster	Saml. L. Tuttle
William Lientz	Levi Burroughs
Joseph W. Hickam	Henry C. Mooth
Dabney Patton	Thomas Chapman
James W. Daly	Nimrod Watson
John Henderson	Geo. W. Maupin
Jesse B. Dale	Wesley Scobee
Wm. H. Phillips	Eugene Baldwin
Reuben M. Hatton	Tyre H. Boggs
George C. Cole	Benton White
F. A. Field	Eugene Scott
Jasper Turner	John A. Daily
Washington Knox	A. J. Woods
William Raymond	Danl. E. Hulett
Jesse Turner	M. P. Baldwin
James T. Harris	F. B. Hatton
Ira E. Purden	Jas. M. McKee
Geo. H. Sexton	O. F. Hatton
Alex Douglass	Geo. H. Cox
James Arnold	Marion Yeager
John Bowman	Jno. F. Chillis
Robert G. Lyell	E. E. Williamson
Saml. D. Cochran	M. T. Slater
William Slade	

MONITOR TOWNSHIP

Tyre G. Harris	John Gray
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PERCHE TOWNSHIP

John Anderson	William Berry
Tyre G. Harris	Geo. H. Sexton
John Slack	John Barclay
John Anderson	Westley Burks
William Boone	Thos. C. Colly
John Corlew	David B. Rowland
Robert Schooling	M. L. A. Via
Lawrence Roberts	Chas. E. Sexton
W. M. Shaw	Wm. Milhollen

Overton G. Harris
 Chas. C. Rowland
 Thomas Matheny
 J. W. Horseman
 John Skinner
 Maston G. Corlew
 Thomas J. Barrett
 Harlim M. Petty
 John B. Little
 James F. Jarman
 Alex Douglass
 Andrew F. Gentry
 H. B. Matthews

W. H. H. Fenton
 Richard F. Matheny
 W. C. Dickerson
 John C. Marcum
 J. F. Beasley
 Geo. W. Denham
 G. W. Allton
 Jackson T. Burnham
 J. T. Taylor
 Stephen A. March
 Jas. A. Oliver
 Jno. H. Stover
 Ed. Long

ROCKY FORK TOWNSHIP

Silas Riggs
 Jas. R. Abanathy
 Jas. E. Fenton
 Samuel Riggs
 Squire I. Redman
 Hardaman Stone
 Young E. Hicks
 Esem Harmon
 Moses Baker
 Jacob McBride
 Wm. T. Berry
 Wm. B. Woodruff
 W. S. Wagner
 John B. Logan
 Thomas A. Simms
 Wm. W. Tucker
 John W. Hall
 Archibald B. Sweeney
 James Lampton
 Burdit A. Blanton
 Giles Adams

James G. Kelly
 Lewis G. Berry
 Carry A. Ward
 Jas. M. Hicks
 Philip J. Quissenberry
 Peter F. Carter
 David N. Hall
 Jno. T. McCauley
 S. C. Quissenberry
 Josiah Hall
 Samuel Rutledge
 Hugh M. Hall
 Wm. H. Jeffries
 W. F. Robinson
 Jasper N. Roberts
 Riley D. Winn
 J. B. Clark
 Wm. Morgenthaler
 S. H. McMinn
 Ed. L. Daugherty
 Jas. H. Carpenter

SMITHTON TOWNSHIP

John Slack

John Henderson

Justice's court has been held in the court house, in the city halls of Columbia, Ashland, Centralia, Rocheport and Hallsville, as well

as in the building used by the Sturgeon court of common pleas, in justice of the peace offices and in many of the school houses of the county. The opera houses at Ashland, Rocheport and Centralia have often been used; and the shade trees of Harrisburg, Deer Park, Englewood, Brown Station and Jacob's pasture have furnished temporary quarters for litigants and attorneys in warm weather.

OLD TODD HOUSE

A picture of the residence of Roger North Todd is shown in this book, and the same is interesting for several reasons. It is situated on the south side of Broadway, between Third and Fourth streets, Columbia, and it was erected by Mr. Todd in 1823. It is, therefore, one of the oldest buildings now standing in Boone county. One room of this house was used as an office by Mr. Todd, and the deed records and court records were kept there for many years. This office was the occasion for the law suit between Mr. Todd and the county, which is told in another part of this book. The building was afterwards added to on the east and used as the residence of Col. Francis T. Russell; and the name of another attorney is connected with the house; D. W. B. Kurtz, Jr., was born there. The place is now known as the Geo. W. Smith property.

COURT HOUSE OF 1824

In a letter written for the "Columbia Herald" in 1902, Thomas B. Gentry described the court house of 1824, as follows:

"Boone county's first court house stood on the public square in Columbia, a short distance West of where the Baptist church was erected, after the first court house was torn down. I think I first saw it about 1833. I once saw it on fire. F. A. Hamilton, then sheriff, was on the roof, and a large crowd of people had gathered around. Hamilton shouted for more water, which was brought in buckets and the fire on the shingle roof was put out.

"The building was an old-fashioned square, two-story, brick structure, hip-roofed, with a sort of round box at the apex of the roof. It faced Walnut street at the point of the ending of Guitar street. I think it lasted about twenty-three years; being erected soon after the removal of the townsite from Smithton to Columbia; and was torn down after the erection of the present court house in 1847. The material in the old house was sold to Rochford and hauled to a vacant lot where he built with the old brick, a very good dwelling



JUDGE DAVID H. HARRIS

house now owned by Mr. Karl Kehr, and is on West Broadway, just East of the M., K. & T. frame depot.

"In the old court house there was a door to the west, one to the north and one to the east. The ground floor was paved, about two-thirds of it, with brick. In this lower story there was erected an inner court in the north end of the room, semi-circular in form, and of curious and quaint construction. This inner court was for the judge on the bench, which was very much elevated; the clerk just below him; and the sheriff and deputies; lawyers, litigants, witnesses and jurors. The rest of the crowd in attendance were barred out; and had to remain down some two feet below, on the brick pavement on the ground floor. The prisoner occupied what was called the prisoner's dock, and was seated across the room from and opposite the witness chair, presumably in order that he might 'confront his accusers'. At the first term of circuit court held in this building, I am told that Judge David Todd presided, and James Barnes was sheriff. The old court house got in a dangerous condition, and would shake in time of storm. I once saw Judge Leland, the clerk, sheriff, four or five lawyers, several witnesses and jurors run a race, trying to get out of the building during a severe wind storm. After the wind had ceased, some of the lawyers jokingly told the judge that was not the legal way to adjourn court; but the judge replied that self-preservation was the first and most important law he had learned.

"The public records were kept in the one-story, brick building, which was covered with a tin roof, and stood some distance south of the courthouse; and the log jail, then called 'goal', was kept by John Kelly, afterwards by Hezekiah Speeks, and was situated some distance to the east and north of the present court house, on the court house square.

"In August, 1843, Col. Thomas H. Benton (for whom I had the honor to be named), passed through Boone county in a stage coach, and made a political speech in this court house, and a crowd listened to him. He stated that there were persons present who would live to see the day that 'a person with a loaf of bread and a ham of meat could make the journey across the plains'. He thus predicted the building of the Pacific railroad, which has been built, and the journey is now one of only a few days in sleeping and dining cars, instead of one of several weeks in a stage coach, or still longer in ox wagons. Benton also said that the day would soon come when a railroad would be built through our state along the bank of the Missouri river. And now we have a railroad along each bank of that river, practically all the way across our state. This speech of Senator Benton occasioned much merriment and criticism from his political enemies.

"By the way, Boone county needs a new court house again, which I hope will be voted and built on the old site in the center of the old square where the first one stood. T. B. GENTRY."

The county court records do not contain any description of the court house of 1824, neither can any contract for its erection be found. Though the records show that there were some differences between the county court and the builders, who were then called "undertakers". The court made an order empowering Jno. B. Gordon, "commissioner of the seat of justice", to look after the interests of Boone county. As far as the records show, Mr. Gordon was the only man who held this position.

In 1847, after the new court house was completed, the lawyers held a farewell meeting in the court house of 1824, at which Sinclair Kirtley presided; and speeches were made by Jas. S. Rollins, Wm. A. Robards, Jas. M. Gordon, Samuel A. Young and Thomas P. Giles. The old court house was then torn down.

COURT HOUSE OF 1847

The court house of 1847 was erected partly on the public square and partly in Eighth street, and the same was used as a court house until 1909, when it was torn away. Having some sentiment, and the State University just having been completed a few years before, and it being at the south end of Eighth street, our people erected this court house at the north end of Eighth street. The center door of the court house was due north of the center door of the University, and the two were just one-half mile apart. The court house had a cupola, and in 1859 Jas. L. Stephens (father of our fellow-countyman, E. W. Stephens) contributed the money, purchased a clock and this "town clock" was used by the public just one-half a century.

The dedication of the court house of 1847, occurred on Monday, November 22, 1847, the day that the county court accepted the building and paid the balance due the contractors. At this meeting, Hon. Alexander Persinger, presiding judge of the county court, presided; Rev. Moses U. Payne acted as chaplain; and music was furnished by Judge Jesse A. Boulton's singing class. Dr. William Jewell, superintendent of the building, made a speech presenting the keys of the building to the county court, and Judge Persinger responded. Other speeches were made by Wm. F. Switzler, Jno. B. Gordon and President Jno. H. Lathrop, of the University. W. M. Winter was architect of this building; Larkin Richardson, contractor for the stone

work; Henry Keen, contractor for the brick work, B. McAlester, contractor for the wood work; and R. & C. Asbury, plaster contractors.

In this court house, the old lawyers used to tell how they, and those who practiced earlier than they did, "rode the circuit," in company with the judge. They told of the unbridged streams they crossed, of the wild prairies and thick forest they passed through, of the storms they weathered and of the meager accommodations they found at the crossroad taverns. They said that sometimes days were spent traveling from one town to another; and lawyers, jurors and witnesses must needs wait till the waters or snowdrifts or muddy roads would permit them to proceed on their journeys.

Here the lawyers used to listen to Judge Burckhartt, during recess, tell his hunting and fishing stories, especially the stories about his wonderful dog, "Old Charlie". Here Judge Burckhartt decided that the words of a song were admissible in evidence, as tending to prove the character of the woman who sang that song. Here Judge Hockaday decided that a Baltimore Jew should be sworn, seated and with his hat on, when he said that the administration of an oath in that manner was the most binding on his conscience. Here Judge Waller said that the judge of a court who could not take notice of and did not know that a half pint of whisky was less than three gallons, was a very poor judge. Here we heard Hon. Ben M. Anderson, presiding judge of the county court, decide that a proposed road was of great public necessity, if it passed near a church, a school house or a drug store. Here Coroner D. E. Hulett, while holding an inquest, peremptorily instructed the jury to find that, under the law and the evidence, a certain negro man was killed by his son but that the shooting was done in self-defense. And here Dr. W. Pope Yeaman, lawyer, minister and statesman, delivered such an eloquent and learned speech on the gold standard in 1896 that he was invited to and did visit Ohio, Indiana and other states, and delivered said speech; it being considered the best and most logical exposition of the doctrine of those who were opposed to the free and unlimited coinage of silver at the ratio of sixteen to one.

On February 22, 1876, a most interesting performance was given in the circuit court room, termed a "Reception to President and Mrs. Washington". Many of our citizens, prominent among whom were the members of the Boone county bench and bar, dressed in "ye olden style", and represented the heroes and heroines of 1776. The characters represented and those who impersonated them were as follows: Maj. Jas. S. Rollins and wife represented President and Mrs. Wash-

ington; Mr. and Mrs. R. B. Price represented Thomas Jefferson and wife; Judge and Mrs. Geo. W. Trimble represented John Adams and wife; Thomas B. Gentry and wife represented General and Mrs. Mifflin; Col. Wm. F. Switzler and wife represented Benjamin Franklin and wife; Dr. Paul Hubbard represented Dr. Benjamin Rush; Col. E. C. More and wife represented General and Mrs. Lafayette; Judge Philemon Bliss represented John Jay; Jno. M. Samuel represented General Knox; Warren Switzler acted as Washington's private secretary; Lewis M. Switzler was "Tom Collins"; and our brother Jas. C. Gillespy took the part of John Hancock. Patriotic music was furnished by Mrs. E. C. More, and by the Misses Russell, daughters of Col. Francis T. Russell.

There have been held in this old court house proceedings before referees, proceedings in bankruptcy, trials before the police judge, preliminary examinations in felony cases, gravel road meetings, water works meetings, municipal ownership meetings, railroad meetings, fair association meetings, farmers' alliance meetings, state grange meetings, the state meeting of the Mexican War veterans, the state meeting of the ex-Confederate veterans, teachers' meetings, local option meetings, anti-local option meetings, civic league meetings, Fourth of July celebrations, Washington's Birthday celebrations, old settlers' reunions, and republican, democratic, greenback and populist conventions and ratification meetings almost without number. The great pianist, Blind Boone, gave his first public musical entertainment in the county court room.

In 1892, when the main building of the State University was destroyed by fire, the different churches of Columbia opened their houses of worship to different classes, and the county court turned over the two court rooms to the law department, and Judge Alexander Martin, Judge Jno. D. Lawson and Prof. Jas. A. Yantis lectured in said rooms. So it is a fact that not only mule cases were tried in the court house, but "mules" were there taught the study of law.

On five occasions, our people have been called together, and, in this building, without regard to political ties, have given expression to their sorrow over the death of our national officials, Presidents Lincoln, Garfield and McKinley, and Vice Presidents Hendricks and Hobart. Similar meetings have been held on occasions when some of the prominent citizens of our county have died, Jno. H. Lathrop, Warren Woodson, Jno. W. Harris, James Harris, Jno. M. Samuel, Jas. S. Rollins, John Hinton, Robert L. Todd, Jas. L. Stephens, B. McAlester, W. Pope Yeaman, Wm. F. Switzler, Odon Guitar and others. Here, the lawyers have always met after the death of a



JUDGE WARREN WOODSON

brother lawyer, and, laying aside whatever differences they formerly entertained, have taken appropriate action regarding the loss of one with whom they labored. And here memorials have been prepared and resolutions adopted regarding the death of Judge David Todd, Judge Wm. A. Hall, Judge Geo. H. Burckhardt, Judge Jno. A. Hockaday, Judge P. H. McBride and Judge Philemon Bliss.

Some noted men in state and national politics have made speeches in the court house, viz., Hon. Jas. M. Seibert, Hon. Elijah Gates, Hon. Sam B. Cook and Judge Wm. H. Wallace, Senators James Shields, F. M. Cockrell, Wm. J. Stone and Jas. A. Reed, Lieut. Governor Chas. P. Johnson, Governors Chas. H. Hardin, A. P. Morehouse, David R. Francis, A. M. Dockery, Joseph W. Folk and Elliott W. Major, Congressmen Jno. B. Clark, Jno. B. Clark, Jr., John Cosgrove, Jno. T. Heard, U. S. Hall, David A. DeArmond, James Cooney and D. W. Shackelford, and Consul General E. C. More to democratic audiences; while Governors B. Gratz Brown and Herbert S. Hadley, Senators Carl Scurz, Jno. B. Henderson and William Warner, Congressmen Jas. S. Rollins, D. Pat Dyer, Chas. G. Burton and Jno. P. Tracy, Mayor C. P. Waldrige, Lieut. Governor, formerly State Treasurer, J. F. Gmelich and Hon. Charles Nagel, Secretary of Commerce and Labor, made speeches to republican audiences. C. H. J. Taylor and J. Milton Turner, both colored lawyers, have made democratic speeches in the county court room; and Nelson Crews, also colored, has there made two or three republican speeches. In fact, so many public functions have here been held, and so many men of state and national reputation have taken part in those functions, that the Boone county court house became one of the historic buildings of Missouri.

At the front door of this building, sheriffs, special commissioners, trustees, executors, administrators and guardians have conducted public land sales; and shortly after the Civil War, several indolent persons were sold, by authority of the vagrant law. In 1872, the Boone County & Jefferson City Railroad (now the Columbia branch of the Wabash) was sold at that door, at public auction under the mortgage. Our county surveyor has there conducted the public letting of contracts for bridges; and all kinds of chattels have there been sold by sheriffs and constables. In 1905 the Columbia & Cedar Creek Turnpike was sold at public auction at the front door. And finally, on August 17, 1908, this building, itself, was sold by Sheriff F. Rothwell at auction, under the order of the county court, and purchased by Fyfer & Calvert, administrators of the estate of J. Th. Fyfer deceased, at the price of seventeen hundred and fifty dollars. Dr. William Jewell, who was superintendent of the construction of this building in 1846-7, had

inscribed on a marble slab, "Oh Justice, when expelled from other habitations, make this thy dwelling place", and this slab was placed over the entrance of the front door of the building, and was sold with the building. But the Fyfer heirs presented that slab to Boone county, and the same has been appropriately placed in the south entrance of the court house of 1909.

On Saturday night, June 19, 1909, the lawyers of Boone county held a farewell meeting in the old court house and a number of visitors were in attendance. On that occasion, C. B. Sebastian spoke on "The Court House Before the War", Judge Lewis M. Switzler spoke on "The Court House During the War," and N. T. Gentry spoke on "The Court House Since the War". A flashlight picture of the lawyers, seated in their accustomed places, was attempted to be taken by Joseph L. Douglass, but unfortunately some mistake was made, and the picture was worthless. The lawyers then adjourned to the Gordon hotel, where a banquet was held, at which Judge E. W. Hinton acted as toastmaster, and some more humor and eloquence was indulged in.

On the Monday following, the work of wrecking the court house of 1847 began. It having been reported that certain old coins, newspapers and a bottle of whiskey had been deposited in the corner-stone of the court house, a crowd was daily in attendance and eagerly watched the workmen as they removed parts of the court house foundation. But they were disappointed, for neither old coins, newspapers nor spirituous liquor was found.

COURT HOUSE BELL

For many years the court house bell, which hung in the cupola of the court house of 1847, was rung for various purposes. Every morning it announced the time for the opening of circuit court, also at the opening of the afternoon session, and the night session. Then it was rung whenever a public meeting was held in the court house; it was rung in time of fire; and during the Civil War, it gave the alarm when soldiers were coming. It always rung the old year out and the new year in: but the old bell ceased to be used when the court house was torn down and it is now in the possession of J. K. Fyfer.

Not only were lawyers notified to come to court by the ringing of this bell, but it was the custom for the sheriff to go to the south window of the court house and call a tardy attorney three times. This was specially noticable with reference to two attorneys, and some persons thought that court could not be held without their presence. One day Judge Hockaday told the sheriff to call J. DeW. Robinson; when

Mr. Robinson spoke up and said, "I am here, your honor, it is not necessary for the sheriff to give me any free advertising."

CLERK'S OFFICE BUILDINGS

The law suit with Circuit Clerk Todd over the payment of rent for an office caused the county court on May 11, 1835, to appropriate eight hundred dollars "for the purpose of building two fire-proof clerk's offices for the county of Boone, 18 by 36 feet." Jno. B. Gordon and Oliver Parker were appointed commissioners to contract for and superintend the erection of said building. It was a one-story building, with a shed room in the rear; and it stood on the same ground where in 1872, the two-story brick clerk's office building was erected.

In 1872, the two-story clerk's office building was erected at the southwest corner of the public square, some twenty feet west of the court house. This building cost sixty-three hundred dollars; J. W. Kneisley was the contractor and Jno. M. Samuel was appointed special commissioner to superintend it. The circuit clerk, recorder and county clerk occupied rooms on the first floor, and the probate judge, prosecuting attorney, public administrator and surveyor occupied rooms on the second floor.

COURT HOUSE OF 1909

After three unsuccessful elections, the people of Boone county held a fourth election on September 30, 1905, and decided to build a new court house. It was erected on the public square in Columbia, some two hundred feet northwest of the old clerk's office building, which stood just west of the court house of 1847. The new court house was built by J. A. McCarter, contractor, under the direction of J. H. Felt & Co., architects, at a cost of one hundred and nine thousand dollars. The new court house was dedicated on the first day of the June term (Monday, June 21st) of the circuit court, 1909. Court was opened by Judge N. D. Thurmond, who presided; James E. Boggs was clerk, Wilson Hall was sheriff, and G. B. Sapp, deputy sheriff. After the formal opening of court on that day, an adjournment was had till that afternoon, when Judge Lewis M. Switzler presided, and Rev. W. S. St. Clair acted as chaplain. A poem was then read by Miss Julia Turner, now Mrs. Dennis Craighead, daughter of Presiding Judge Charles C. Turner, of the county court; and speeches were delivered by E. W. Stephens, Frank G. Harris, William Hirth, Judge Jno. S. Bedford, Judge Wm. F. Roberts and Dr. A. W. McAlester. Music on that occasion was furnished by the Sturgeon brass band.

As the court house neared completion, the county court employed Fount Rothwell to act as superintendent, and then employed him to level and beautify the court house grounds.

One of the first social functions held in the court house of 1909 was given in December, 1909, by the "Possum Club," a new social organization, which has passed out of existence. R. B. Price was elected president of this club, and Hon. Frederick W. Lehmann, of St. Louis, Hon. Jas. A. Reed, of Kansas City, Hon. W. D. Vandiver, of Cape Girardeau, and Judge W. M. Williams, of Boonville, were among the orators at the 'possum party. Other visitors were from Mexico, Jefferson City, Fayette, Moberly and Kirksville; and all enjoyed the fat Boone county 'possums. A flash light picture of this company was taken, and the same may be seen in many law offices in Columbia. Members of the Boone county bar, who belonged to the 'Possum Club, were E. W. Hinton, W. H. Rothwell, H. A. Collier, Boyle G. Clark, J. P. McBaine, R. B. Price, Jr., Curtis B. Rollins, M. R. Conley, William Hirth, E. M. Watson and N. T. Gentry; and Judges C. C. Turner, S. N. Woods and Jno. S. Bedford, of the county court. Chief Justice Lamm, of the Missouri Supreme court, was invited to be one of the speakers, but was unable to attend. The following is his letter of regret:

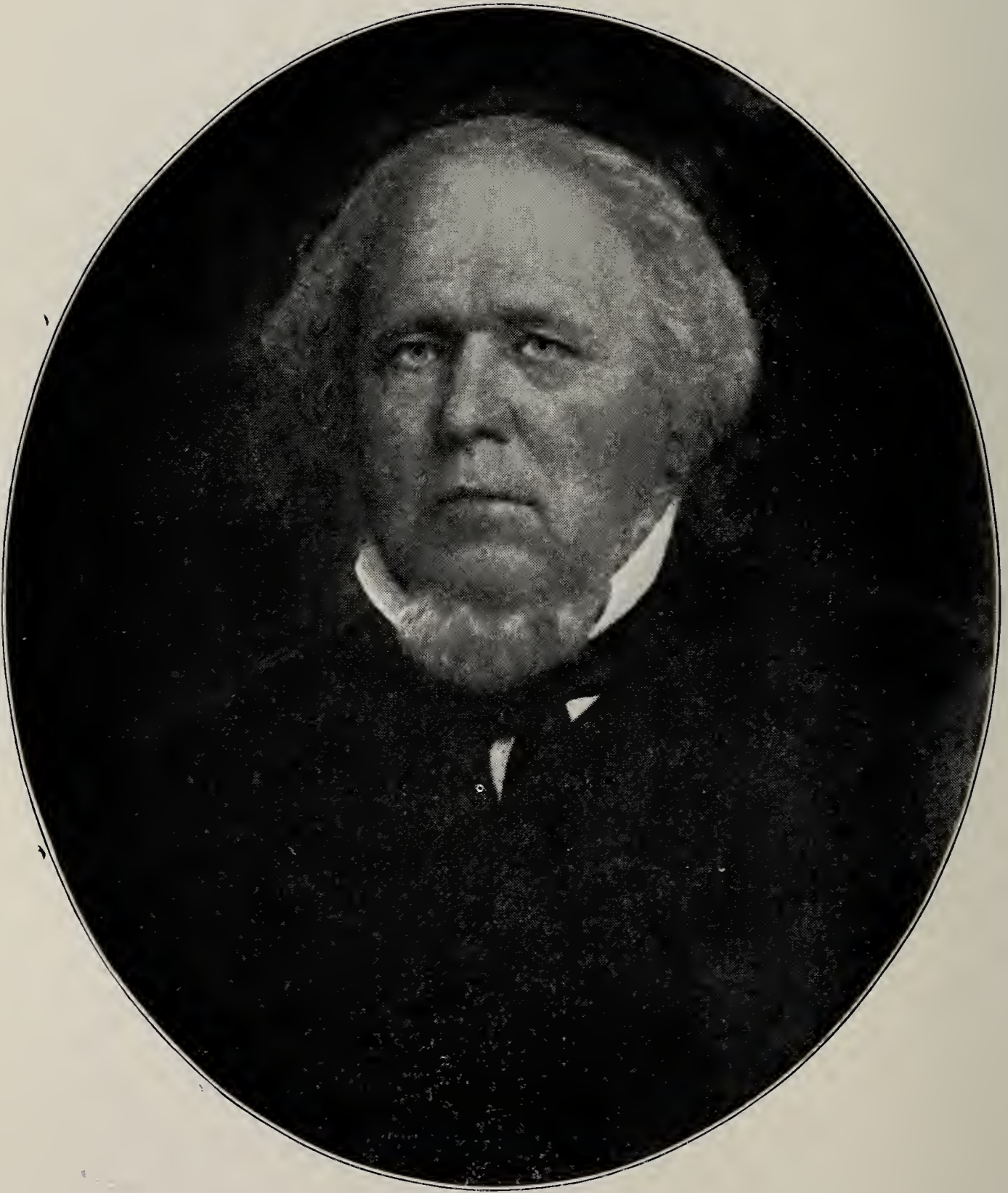
Jefferson City, Mo., Nov. 30th, 1909.

My Dear Mr. Gentry:

Your letter of the 27th was delayed because of coming here in a round-about way—*via* Sedalia. It is impossible for me to accept your attractive invitation to address the Columbia 'Possum Club at its first annual meeting on December 6, 1909. I take it the invitation meant that I was not only invited to speak but to eat. Now a new club is likely to be hatched under auspicious circumstances. Doubtless there will be a feast of reason and a flow of soul plus a feast of viands and other flows with a brilliant assemblage of orators and wits—and it is hard luck to not be able to attend. Maybe I never will get another invitation, because, however select your company, it stands to reason there may not be as many holes as there are pegs. However it be, the facts are as stated.

This court is too far behind in its work for as humble a member as I am to slip his collar and harness, jump the fence and canter about in fresh fields and pastures new.

The 'possum as an edible is prized by some epicures but he has more attractions to me than as a mere article of food. His mildness under affliction is a cardinal virtue. Smitten on one cheek he turns the other. Dead, he comes to life again. He is the only animal known to



JOHN SLACK
First Justice of the Peace

me that ever had the honor of originating a policy for statesmen and I think you have done very well to commemorate him by making him a part of the style and name of your firm.

Long live the Possum Club of Columbia.

Sincerely yours,

HENRY LAMM. .

The next important function held in the new court house was the celebration of Missouri Day, August 10, 1910, under the auspices of the Old Settlers' Association of Boone county. Thos. S. Carter, vice president of the association, presided on this occasion, and speeches were made by Chas. M. Hay, of Fulton, Judge Wm. F. Roberts, of Hallsville, and Walter Williams and Frank G. Harris, of Columbia. Patriotic music was furnished by Mrs. C. B. Sebastian, and Misses Frances L. Denny and Madge Mundy, all of Columbia. At twelve o'clock, the ladies of Columbia served a dinner, which fully sustained their reputation in that line and was appreciated by lawyers as well as laymen.

Much of the credit for the success of the last court house election was due to General Guitar, L. T. Searcy, then county clerk, Frank G. Harris, then prosecuting attorney and Fount Rothwell, then sheriff.

CHAPTER V

THE JUDGES

JUDGE DAVID TODD

Hon. David Todd was a native of Kentucky, but was living in Franklin, Howard county, when Governor McNair appointed him circuit judge. He afterwards moved to Columbia, and later opened a law office in Columbia. He was a member of the Kentucky legislature before moving to Missouri.

Judge Todd was a very dignified man, and it is said had the appearance of an ideal judge. It was his custom to take a nap every day after dinner, before returning to the court house. On one occasion, he had company and neglected taking his nap, but hurried to court. Immediately after dinner, one of the lawyers was making a long argument to the jury, and Judge Todd went to sleep on the bench. In a moment he awoke, and, interrupting the lawyer in his argument, said, "Mr. Clerk, enter up a fine against David Todd, of ten dollars, for contempt of court. I will break up this habit of going to sleep, or I will break the court."

Judge Todd was a social man, and had many warm personal friends, and especially was he friendly towards a Scotchman named Campbell, who was a stonemason. Campbell often attended court as a visitor, and was specially interested in hearing the trial on one occasion, which was a suit over a horse. Unfortunately, Campbell got drunk during the noon recess, and, when he came back into the court room, he stumbled over himself and fell to the floor. When Judge Todd asked what was the matter, Campbell looked up and said, "Judge, I am a horse; I am a horse, Judge." Judge Todd quickly replied, "Mr. Sheriff, take that horse out, lock him up in my stable and keep him there till I call for him." The Judge then called the sheriff to one side and told him if Campbell would stay out of the court room while he was drunk, all would be well.

On another occasion, Judge Todd tried a man for stealing a mule, and when the case was called, the defendant rose in the court room and answered ready for trial. Judge Todd asked who was his attorney, and to the surprise of every one the man said that he had no attorney and did not care to have one. Judge Todd told him that he should employ an attorney if he was able to do so; but if he was not able, then the court would appoint an attorney to represent him. As the defendant insisted that he was able to employ one, but did not want

one, Judge Todd reluctantly allowed the case to proceed to trial. The circumstances against the defendant were suspicious, but there seemed to be a reasonable doubt as to his guilt. After the state had closed, the defendant declined to introduce any evidence, but asked the privilege of saying a few words to the jury. Of course, this request was granted, and he said, "Gentlemen of the jury, it is time all of us mule men should stand together," and took his seat. The jury retired, Judge Todd left the bench during the recess that followed; and when he had an opportunity to speak to the accused, he told him that he had made a great mistake in talking as he did to the jury. "There was a strong probability," said the Judge, "that you would be acquitted, but now that you have insulted every member of the jury, I fear that you will not be accorded the benefit of the reasonable doubt to which you are entitled." In a short time, however, the jury brought in a verdict of not guilty, and the defendant's last words to Judge Todd were, "You see, Judge, I knew the men on that jury better than you did."

During the latter part of his term, Judge Todd became financially embarrassed, and was sued on a note in his own court. He made no defense, but when he called the case, he directed the clerk to enter up judgment against David Todd, by default. Later the judgment was paid in full.

On the day that Judge Todd was married, he left home with the soldiers for the war of 1812; and in a short time was fighting in Indiana and in Canada. He was a captain in this war.

In 1840, Judge Todd was one of the delegates from Missouri to the National Whig Convention, and assisted in nominating Gen. William Henry Harrison for President. Judge Todd served under General Harrison in the War of 1812, and was strong for "Old Tippecano". So prominent was Judge Todd in that convention, that he was appointed a member of the notification committee; and a month or so later, went with the other members of that committee to General Harrison's home, and formally notified him of his nomination. On this occasion, a log cabin had been erected in honor of the fact that Harrison had been born in a log cabin, and all of the delegates and visitors were invited to take a drink of hard cider out of a gourd. It was at this meeting that the author of a campaign song, as well as the song itself, became famous. The first verse of the song was:

"What has caused this great commotion,
Motion, motion, our country through?
'Tis the band that's moving on
For Tippecano and Tyler, too.
Yes, Tippecano and Tyler, too."

The friendship between Harrison and Todd was so warm that Harrison wrote Todd, after the election, that if there was a vacancy on the supreme bench of the United States during his term, Todd would be appointed to that position. Unfortunately for Judge Todd, the President only lived a few weeks of his term; and Vice President Tyler, who became President, left the whig party, turned democrat and appointed a democrat to the supreme bench.

Hon. Thomas Shackelford, of Howard county, who was for many years one of the best posted men on Missouri history, said that Judge Todd first advocated the establishment of Boone county, and that he was the first man to suggest that it be named for Daniel Boon. Judge Todd and Col. Boon were personal friends in Kentucky as well as in Missouri, and Boon died in Missouri a few weeks before the organization of Boone county. The early deed records and court records spell the name of this county, "Boon".

JUDGE THOMAS REYNOLDS

Hon. Thomas Reynolds, of Howard county, served as judge of this circuit from 1837 until he resigned in 1840. Judge Reynolds was a Kentuckian by birth, moved in early youth to Illinois, where he served as representative, speaker of the house of representatives, attorney general and judge of the supreme court. After moving to Missouri, he was representative from Howard county, speaker of the house of representatives, judge of the circuit court and governor of Missouri. He died in Jefferson City, while governor.

Hon. Thomas Shackelford, of Glasgow, said that Gen. John B. Clark, also of Howard, once obtained a change of venue from the Boone Circuit court in a most unusual manner. General Clark was exceedingly anxious to get a change of venue for his client, who was indicted for murder, and Judge Reynolds seemed determined not to grant it to him. The defendant was a man of wealth, and this county did not, at that early day, have a large population. So General Clark employed two men, the one with a petition asking the Governor to pardon his client if he was ever convicted, and the other with a petition asking the court and jury to hang his client for the commission of that crime. Before the trial term of court was reached, nearly every man in Boone county had signed one or the other of these petitions. After spending two days trying to select a jury and after hearing from the venire summoned that they had all formed or expressed an opinion, and had taken sides in that case, Judge Reynolds was forced to grant the defendant a change of venue.

JUDGE JNO. D. LELAND

Hon. Jno. D. Leland was a native of Virginia but was living in Saline county at the time he was appointed circuit judge. He then moved to Howard county and served as judge of this circuit from March, 1840, till his sudden death in June, 1847, in the midst of the June term of the Boone circuit court.

One member of this bar was specially noted for not paying his debts, and Judge Leland knew that fact, to his sorrow. On one occasion that lawyer said something improper in court, and Judge Leland directed the clerk to enter up a fine of five dollars against him. The lawyer asked the court where he was to get the money to pay that fine, as he was penniless. Judge Leland replied that he had better borrow it from some friend. The lawyer said, "Well, your honor, you are as good a friend as I have, I apply to you to loan that sum to me." Judge Leland then said, "Mr. Clerk, you may remit the fine; the state of Missouri is better able to lose that sum than I am."

At times, Judge Leland was a little sarcastic, especially toward certain members of the bar. During the trial of a case before him, one of those lawyers objected to the question of opposing counsel, as he said the same was not proper at this "stage of the game." Judge Leland said, "Game! Let me remind the attorneys that this is the court room, and not a town tavern, nor a lawyer's office."

While Judge Leland was on the bench, a question of practice arose and was discussed by two Boone county lawyers. One lawyer said he knew he was right, as that was the practice in the justice of the peace court. With a pronounced tone of sarcasm, Judge Leland said, "I do not know whether that is correct or not, as I am not familiar with the practice in *that* court."

JUDGE WM. A. HALL

Hon. Wm. A. Hall was born in Maine, moved to Virginia in early youth and lived there until he was twenty-five, when he moved to Randolph county, Missouri. He then moved to Fayette; opened a law office and edited a democratic newspaper. He was a presidential elector on the James K. Polk ticket in 1844. It is said that Judge Hall was a great walker, and often walked from Fayette to his mother's home in Randolph county, a distance of thirty miles. He moved back to Randolph county and was appointed circuit judge in 1847, the very day of his marriage. In 1861, Judge Hall and General Sterling Price were chosen to represent their senatorial district in the state convention, Judge Hall being opposed to secession. He was prominent in that con-

vention, and made a reputation as an orator and a parliamentarian. Judge Hall resigned from the circuit bench when elected to congress, serving two terms. He then devoted himself to farming in his home county, and died there in 1888.

Judge Hall did not enjoy a long speech; and often cautioned the lawyers against making such deliverances, and frequently said that there was no need for them to repeat their argument over and over again. A certain lawyer still persisted in making his usual long presentation of his client's cause. One day in December, he made an argument to the court, and he talked till late in the afternoon, when dark came on, and he still talked. One by one his spectators and brother lawyers left the room; and finally the lawyer asked the sheriff to get a lamp, which he did. When the lamp was lighted, it was discovered that Judge Hall, too, had left the court room; and that the lawyer had been speaking to an empty bench.

After Judge Hall was elected to Congress, he learned from President Lincoln that he desired to appoint Hon. Willard P. Hall (a brother of the judge) to a position on the United States supreme bench; but that a certain republican senator objected. The president therefore suggested that Judge Hall had better see that senator, which he did. The senator frankly gave as his reason for opposing the appointment the fact that he had been told that Judge Hall said that he would not trust him (the senator) any further than he could throw a bull by the tail. Judge Hall said, "I don't remember ever to have said that; but, by ——, sir, I have often thought it." As a result, the appointment was not made.

Hon. U. S. Hall, for many years an attorney and a member of congress from Randolph county, is a son of Judge Wm. A. Hall, and he too often practiced in Boone county. To the son we are indebted for the good likeness of Judge Hall.

JUDGE GEO. H. BURCKHARTT

Hon. Geo. H. Burckhartt was also a citizen of Randolph county, having been born there shortly after the removal of his parents to this state from Maryland. He was a farmer and school teacher, and was admitted to the bar and opened an office in Huntsville. He held the office of circuit judge from 1862 till his death, which occurred in 1890. The "Ousting Ordinance" of the "Drake Convention" of 1865, having declared vacant all the circuit judgeships in the State, Judge Burckhartt, who was a Union man during the war, was reappointed by Gov. T. C. Fletcher, republican, and re-elected by the people in 1868, 1872, 1876, 1880, 1884 and 1888.

During one of the campaigns, Judge Burckhartt was seeking re-election, and, as usual, he was shaking hands with the voters. He knew a great many people in the circuit, which then consisted of four counties, and he pretended to know all of them. In fact, it was difficult to tell when he did not know a person. Captain F. F. C. Triplett arranged to have a young man meet Judge Burckhartt a short time before the election. Judge Burckhartt shook hands with him very cordially, and asked about his father. The young man pretended to be surprised and said, "Father is dead." The Judge said, "Why, yes; I knew that; I meant to ask how is your mother." The young man replied "Judge, mother died before father did." To which Judge Burckhartt said, "Well, well; how are you; I know you are alive." A little later in the day it was arranged for Judge Burckhartt to meet the same young man, and again the judge very cordially shook hands with him and asked about his father. The young man replied, "Judge, he is still dead."

N. T. Gentry, then a young lawyer, once complained to Judge Burckhartt that he had been appointed to defend paupers more times than other lawyers. But Judge Burckhartt replied, "That is all right, Gentry; you get the experience and your clients get in the penitentiary; and you both get what you are needing."

One day while Judge Burckhartt was holding court, a man who had never been in the court house was on the street with a load of wood. He was getting anxious to sell his load and go home, and was told by a friend that a man in the court house wanted some wood. Accordingly, the gentleman walked into the court house and up the steps into the circuit court room; there he was lost. He saw so many persons that he did not know just what to do; so of course he did the wrong thing. He saw Judge Burckhartt sitting on a platform a little higher than the rest, and he called out to him, "Say, are you the fellow what wants a load of wood?" Judge Burckhartt stopped proceedings, and inquired into the matter; and, when he learned that it was an innocent mistake, he joined with the others in laughter.

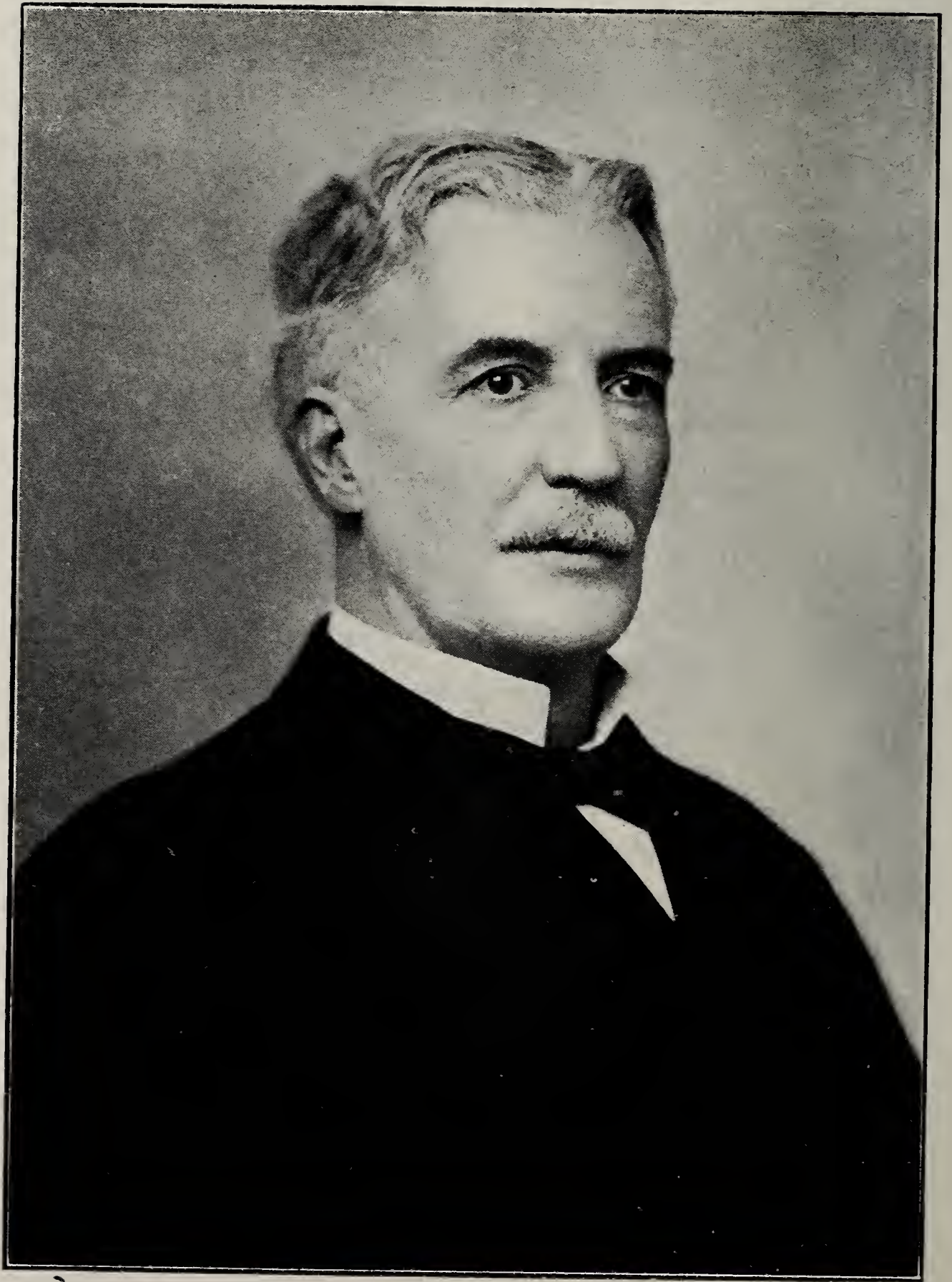
In 1881, Judge Burckhartt was called to St. Louis, to try one of the noted murder cases of Missouri, *State vs Kring*. He went and distinguished himself as a trial judge, and attracted the attention of the entire state. Judge Burckhartt was the first judge from a country circuit to be called to St. Louis to hold court; and his eminent fairness and ability came near making him judge of the supreme court. On appeal, the supreme court held, for the first time, that it was proper to call in Judge Burckhartt to preside at a criminal trial (see *State vs Kring*, 74 Mo. 612).

Major J. H. Finks, marshal of the supreme court of Missouri, but formerly circuit clerk of Howard county, tells the following about Judge Burckhartt, which occurred about 1880. Capt. John Eaton was an extensive farmer living East of Fayette near the Moniteau creek, and the owner of a large number of cattle. William Reeves was an old negro who lived near Captain Eaton, and the owner of two or three cows and calves. Eaton's hired men told him that "Old Bill", as he was called, had one of the Eaton calves, and refused to give it up. After talking with Bill, and learning that he claimed the calf, Captain Eaton again talked with his employees about it. It seems that some of them did not like Bill, and "had it in for him", so to speak. The result was Captain Eaton brought a replevin suit for the calf, and the case was taken on appeal to the circuit court. After the jury was empanelled, Old Bill stood up and, addressing Judge Burckhartt, said "Mahse George, may I say something?" Judge Burckhartt consented; and Bill said, "My little boy has been playing with my calf and riding it all summer. Now, if he can't go up to Mahse John Eaton's place, put a rope around that calf's neck and ride him home, then I don't want the critter." Captain Eaton readily consented; and the judge, jury, lawyers and all went out to the Eaton farm, and saw the little negro catch the calf, without any trouble, tie a rope around the animal's neck and ride him down the road to the old negro's place. Judge Burckhartt laughed as I never saw him laugh before; and Captain Eaton, who was one of Howard's best citizens, dismissed the case and paid all expenses.

Judge Burckhartt was a gentleman of the old school, a very gallant man, and never failed to be polite to ladies. Whenever he saw a lady in court, he called the sheriff's attention to her and saw that she had a comfortable seat. This characteristic stayed with him as long as he lived. During his last illness, and a short time before he died, a young lady relative visited Judge Burckhartt's room to inquire about him. His eyes were closed when she entered the room, and she quietly walked in, when the judge opened his eyes. The lady apologized for waking him, and assured him that she did not want to disturb him. Calling her by name, Judge Burckhartt said, "I hope I will never live to be so old that I will not be awakened by the rustle of a young lady's petticoat."

JUDGE JNO. A. HOCKADAY

Hon. Jno. A. Hockaday, a native of Callaway county, was attorney general of Missouri and state senator from the A. B. C. District: he was an eminently fair and able judge. He never took a plea of guilty from even the humblest person without first appointing an attorney to investigate the case. After thirteen years of judicial service, Judge Hockaday died in office, and every lawyer in all four of the counties of



JUDGE JAS. A. HENDERSON

his circuit felt that he had sustained a personal loss. Judge Hockaday was so just and careful in his decisions that he had no opposition either for the nomination or at the general election.

While he was on the bench, a jury, after an hour's deliberation, returned into court this verdict: "We, the jury, agree to disagree." Judge Hockaday promptly said: "Well, gentlemen, if that is true, I am going to send all of you to jail. You have taken an oath to decide this case according to the law and the evidence; and now if you have agreed to disagree, you have violated your oaths." The foreman, Lafayette Hume, suggested that he thought perhaps the jury could now agree. Judge Hockaday allowed the jury to again retire, and in a short time, a verdict was returned.

Although Judge Hockaday was a dignified man in court, there was considerable dry humor in his make up; and he enjoyed a practical joke. Mr. E. W. Stephens, a nephew of Judge Hockaday, is the authority for the following. Judge Hockaday and Mr. R. B. Price were brothers-in-law, and the judge visited Mr. Price at Mr. Price's home in Columbia, one evening near the close of the Civil war. Mr. Price was complaining about certain things that the Federal soldiers, some of whom were then encamped on the University campus, were doing. He said, "No one can approve of such things; and I tell you, sir, if one of those soldiers or officers should come to my place, I would not allow him to enter. My house is my castle." Judge Hockaday then walked out of Mr. Price's house and over to Mr. J. L. Stephens' residence, where he dressed up as a Federal soldier and then appeared on Mr. Price's front porch. Mr. Price looked out through the glass door, and when he saw a soldier dressed in blue, he quickly opened the door, saying, "Walk in, sir; walk in, sir; have a seat."

Judge Hockaday was absolutely indifferent as to the verdict of the jury; he did what he thought was right, and he allowed the jury to do what it believed to be right. Two attachment cases against the same defendant were for trial on the same day in his court, and the first one was tried by a jury. While the jury was out, all parties agreed to try the second case before the court, on the same evidence and argument that the court had just heard in the first case. Judge Hockaday promptly decided in favor of the defendant. In less than half an hour, the jury in the first case returned a verdict in favor of the plaintiff. A motion for a new trial was filed in each case, and Judge Hockaday overruled both motions. He said, "There was evidence both ways, and the jury looked at it one way and I looked at it the other: and I acted as the jury in one case and twelve men acted as the jury in the other case."

As before stated, Judge Hockaday was fond of fun, and was very quick witted. He tried a will case in Columbia, wherein it was claimed that the testator, who was an old man, was of unsound mind, and that he did many unusual things about the time of the execution of the will. One witness testified that the testator told him that he was a Chippewa Indian; and that the testator made a mistake and called his foot his hand; that at another time, the testator made a mistake in dressing himself, put his coat on first, then his vest over it and tried to put his arms through the legs of his pants. As soon as the witness finished his testimony, Judge Hockaday wrote on a piece of paper and handed to the attorneys the following:

“The old Indian came from Chippewa,
He looked at his foot and called it his paw.
He put his vest on over his coat,
And buttoned his pants up around his throat.”

Judge Hockaday was not given to exaggerating, but he did once and was excusable. He always came to Columbia by way of Centralia, and frequently complained about the rate of speed at which the Columbia train then traveled. After being delayed for an unusually long time, and, missing his dinner, he said, “The last time I traveled this branch road, a lady boarded the train at Centralia, and I noticed she had a baby in her arms, and when we reached Columbia that baby was old enough to marry.”

Judge Hockaday was once a candidate for the democratic nomination for governor, and lacked only a few votes of securing the nomination. But some false reports were started on him at the last moment; and it was too late to contradict them. He was also a candidate against Hon. Richard P. Bland for Congress, and although he had a popular man for his opponent, Judge Hockaday received a handsome vote. In 1898, after the death of Mr. Bland, although not a candidate for Congress, Judge Hockaday received the votes of the delegates from a number of counties in the eighth district.

JUDGE A. H. WALLER

Hon. Alexander H. Waller, a native Missourian, served two years as prosecuting attorney of Randolph county and mayor of Moberly. He was still living in Moberly in 1903, when he was appointed by Governor Dockery to fill the unexpired term of Judge Hockaday. He served as judge of this circuit till in 1909, when the legislature created the thirty-fourth judicial circuit, composed of Boone and Callaway counties. It was a matter of regret by all the lawyers of Boone and Callaway that Judge Waller would no longer have those counties in

his circuit; but the court business justified the formation of another circuit.

Judge Waller, who was president of the Randolph county bar, had much to do with the organization of the bar association of that county, and with the good feeling existing between the members of the bar, and the courteous treatment by one lawyer of another. He always insisted that the law was one of the highest and noblest of professions, and that a lawyer should always treat his brother lawyer as a gentleman.

Judge Waller tells a story on a justice of the peace lawyer, with whom he practiced some years ago. It seems that this gentleman was good at the trial of a case before a magistrate, but knew nothing of proceedings in the circuit court. Once he brought suit against the Wabash Railroad Company for damages; and, of course, was successful before the justice. When Judge Waller took an appeal to the circuit court, this gentleman was like a fish out of water; but he determined to do his best. The railroad had three experts to testify, and of course they had theories that were unanswerable, and they swore the ground from under the plaintiff. The lawyer tried to cross-examine one expert, but his cross-examination made matters worse: so he asked no questions of the other two. But, in his closing argument, this J. P. lawyer said; "Gentlemen of the jury, there are three kinds of liars. First, there is the good-natured fellow who tells lies just to entertain the boys, not intending to injury any one. He is the harmless liar. Second, there is the fellow who tells mean stories on good men, and on good women; and tells them for the purpose of causing trouble. He is the vicious liar. Third, then there is the fellow who sits in a library or laboratory, in between terms of court, and studies up things to swear to; and he swears to it all in the name of science, and he will hang any man, or ruin any man for life. He is the expert liar."

Judge Waller is still judge of the ninth judicial circuit, composed of Howard and Randolph counties, and the Sturgeon court of common pleas.

JUDGE N. D. THURMOND

Hon. N. D. Thurmond, who is a native of Callaway county, served as prosecuting attorney and representative from Callaway county; also as city councilman and city attorney of Fulton. He was appointed judge of the thirty-fourth judicial circuit by the governor in April, 1909, and held that position for nearly two years.

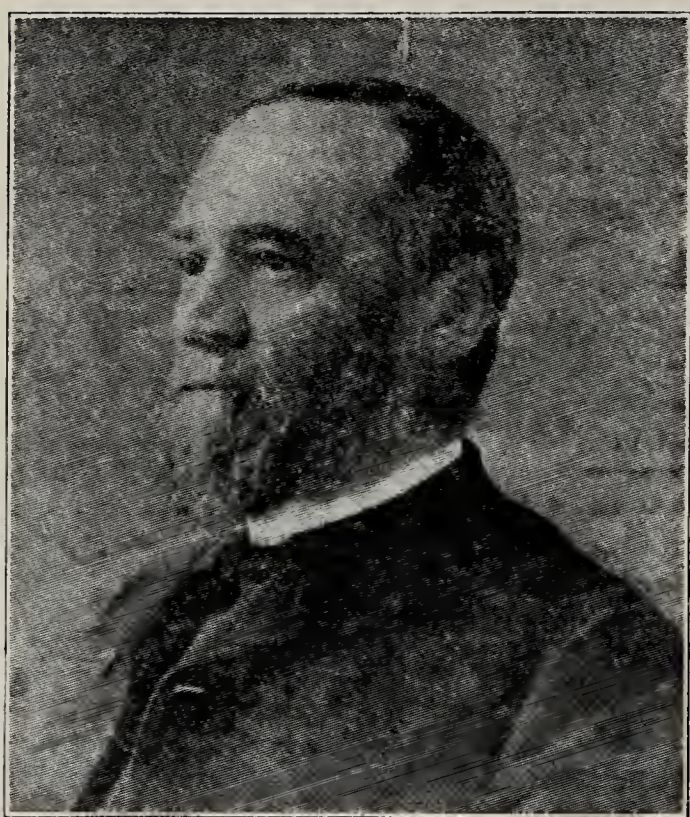
While Judge Thurmond was prosecuting attorney of Callaway county, he prosecuted a man for petit larceny, the stealing of two bushels of speckled corn, popularly known as "bloody butcher" corn.

Three witnesses testified to the fact that the corn was taken and that they tracked the defendant by grains of corn that were dropped along the road all the way from the corncrib to the defendant's house, that they found the defendant in possession of and in the act of shelling the corn, and that the defendant admitted to them that he had stolen it. The constable testified to similar admissions made by the defendant to him. The case was tried before a magistrate at Readsville; and on the witness stand, the defendant admitted making the statements to the state's witnesses, as testified to by them; but the defendant denied his guilt. Three witnesses were then called, and all three of them testified that the defendant's general reputation for truth and veracity was bad. The jury retired and brought in a verdict of not guilty. When Judge Thurmond asked two of the jurors how they happened to acquit when the defendant had admitted his guilt, one of the jurors said, "Well, you proved that his reputation for telling the truth was bad; so we had to clear him."

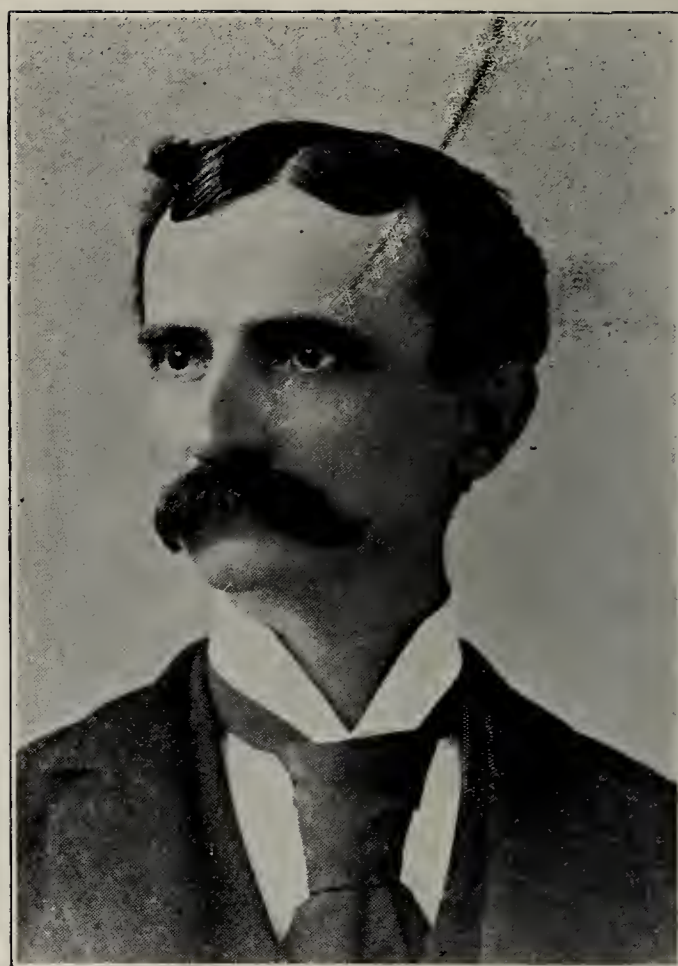
Under the old law, an applicant for admission to the bar was examined by a committee appointed by the court, some times privately but usually in open court. Judge Hockaday once appointed Judge Thurmond, who happened to be attending that term of the Boone circuit court, to examine a University student, who desired to be licensed to practice law. It should be stated that this examination occurred in November, 1900, just after the second McKinley-Bryan campaign, and Judge Thurmond had left the democratic party in 1896 and joined the republicans. When he asked the young gentleman about the statute of uses and trusts, and requested him to define a trust, he said, "Mr. Thurmond, I have heard a good many speeches during the last campaign, but I really don't know which political party is in favor of trusts, and which is opposed to them."

At the first term and on the first day of holding court in the new Boone county court house, Judge Thurmond delivered an address to the lawyers and visitors present, which address was appropriate and dignified. As soon as he had finished, a colored woman, who had previously been convicted of raising a check, and who wanted to be paroled, appeared inside of the bar. Judge Thurmond asked her what he could do for her; and her reply was, "I want to see the Judge, I want to be enrolled."

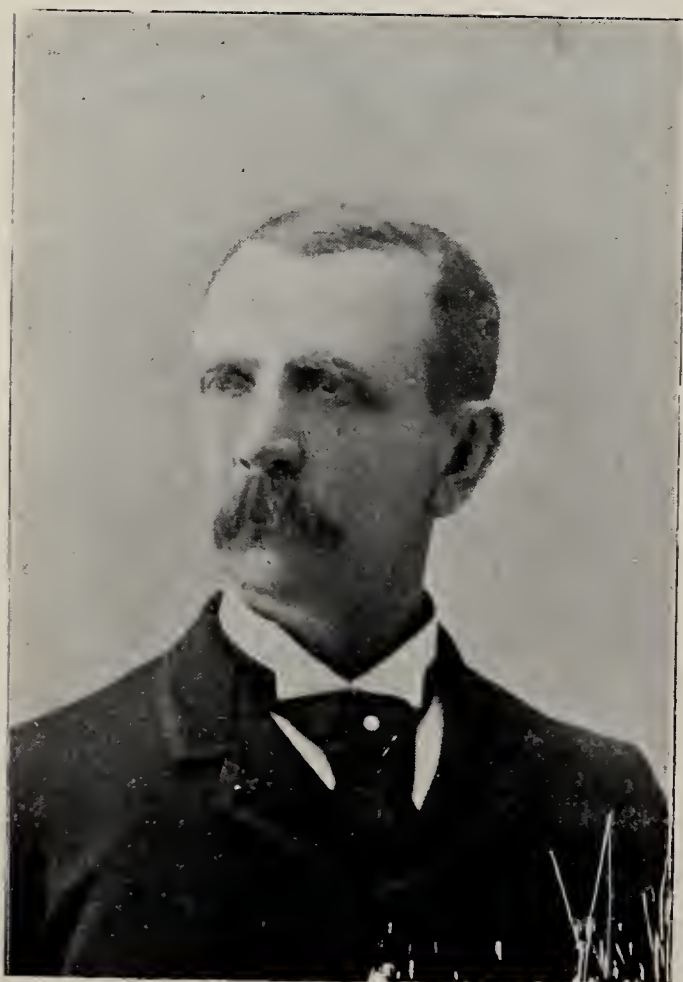
While Judge Thurmond was on the bench, the wife of an editor of this county was summoned as a witness, and expected to testify to some minor matter. Not being familiar with legal terms and feeling out of place in the court room and especially on the witness stand, she turned to the court and said, "Judge, you must excuse my blunders. This is the first time I was ever arrested in my life."



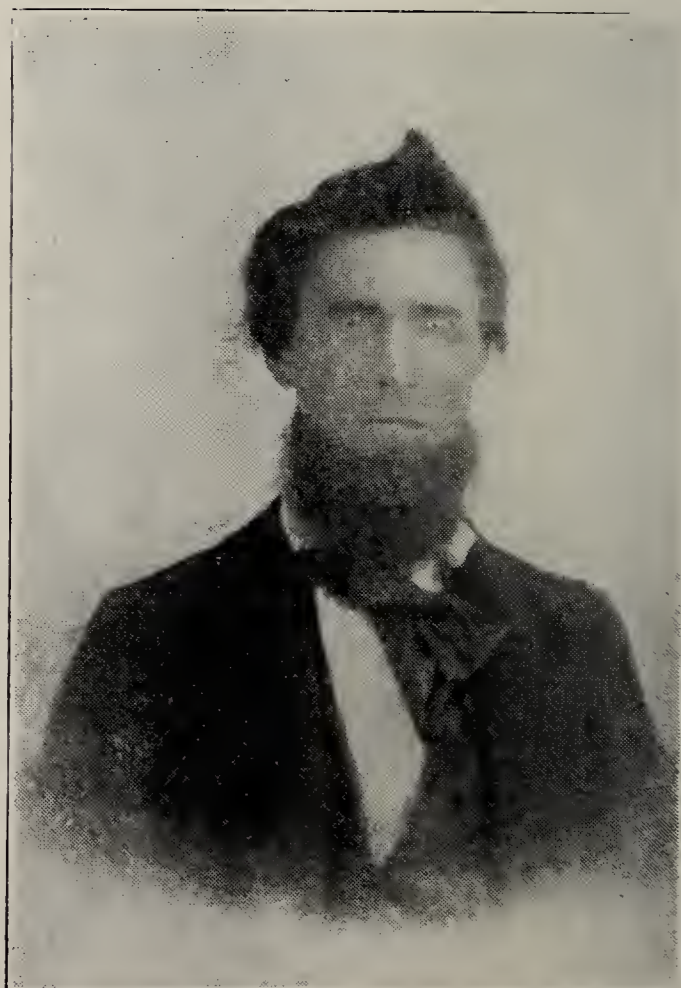
JUDGE JOHN HINTON



JUDGE WALTER W. GARTH



JUDGE LEWIS M. SWITZLER



JUDGE LAZARUS WILCOX

JUDGE DAVID H. HARRIS

Hon. David H. Harris, who was born in Boone county, and educated in Boone county, and who was the son of County Judge James Harris, was city attorney of Fulton and prosecuting attorney of Callaway county for three terms each. He was chairman of the Missouri Statute Revision Commission of 1909. He was elected judge of the thirty-fourth judicial circuit of Missouri in November, 1910, and is still filling that position.

Judge Jno. F. Philips had a sister in Fulton, and she was about to have trouble with a tenant over the possession of a house. She wrote to her brother and stated her case, and finally came to see Attorney Harris. When Mr. Harris asked her if she had advised with any other lawyer, she told him that she had written to her brother all about her trouble. When Judge Harris asked what her brother had advised her to do, she said, "He told me to go and get some one-horse, jack-leg lawyer."

Katie Barnett plead guilty to raising a check, was sentenced and paroled. At a subsequent term of court, she appeared for the purpose of making proof of good conduct. After she had taken the witness chair, Judge Harris said, "Well, Katie, how are you getting along?" Not intending to be outdone in the matter of politeness, Katie said, "Very well, thank you, sir, how's yourself?"

A negro man plead guilty to bootlegging, and Judge Harris agreed to parole him. In releasing him, the judge was admonishing him to be a good citizen, obey the law and make an honest living. He said to the defendant, "Now, here you are in trouble, does it pay you to violate the law?" In all seriousness, the defendant said, "Yes, sir; this paid pretty well."

When Judge Harris called the case of State vs. Nelson, charged with bootlegging, he asked the defendant who was his attorney, and the defendant said that he had no attorney, but admitted that he was able to employ one. The court said, "If you are able to employ an attorney, the court cannot appoint one for you." The defendant insisted that he was not guilty, so the court said, "Well, the court will have to represent you, and your trial is set for day after tomorrow." As soon as Nelson heard that the court was going to defend him, he changed his mind and entered a plea of guilty.

Judge Harris was the owner of an automobile, and he occasionally drove it to Columbia. In June, 1915, he attempted to make this drive, but the heavy rains made it impossible for him to reach Columbia till one p. m. It therefore became necessary for Deputy Clerk Pollard to

explain to lawyers, jurors and witnesses that Judge Harris, who usually insisted on everybody being present at nine a. m., was unavoidably detained.

In a divorce suit, Judge Harris awarded the custody of a small child to the mother, giving the father the right to visit and see the child once a month. The first time the father attempted to visit the child, the mother declined to allow him to see the little one. When told that the court made an order to that effect, she said, "I don't care what the *court* said, you can't see this child till the *law* says so."

In 1915, the lawyers of Boone and Callaway counties endorsed Judge Harris for the position on the supreme bench made vacant by the death of Judge John C. Brown.

JUDGE P. H. McBRIDE

Hon. Priestly H. McBride was the only judge of the Boone county court to become judge of the supreme court; and perhaps he was the only county judge in Missouri to be thus honored. He was also secretary of state and judge of the circuit court of Monroe and Marion counties.

After Judge McBride retired from the supreme bench, he practiced law for a while in Boone county, living on a farm on the Two-Mile Prairie. He was arguing a case one day in the Boone circuit court, and the opposing lawyer read a supreme court decision, which laid down the law directly opposite to the position that Judge McBride was then taking. After listening to the reading of the decision, Judge McBride asked who wrote such an opinion as that; and was told that the opinion was by Judge McBride. "Well," said Judge McBride, "that was written when I had the last guess."

JUDGE PHILEMON BLISS

The founder of the University Law School and its first dean was Judge Philemon Bliss, the popular Christian gentleman, the able jurist and the faithful teacher. His was a life of untiring industry, pre-eminent usefulness, full of years and honors. Whether working on a farm, clerking in a land office, serving in congress, practicing at the bar, wearing the supreme judicial ermine of two states, writing textbooks on law, or presiding for seventeen years over the University's law school and teaching therein, he graced, honored, dignified, elevated each and all. Having honor as the keynote of his character, untiring industry as his key to success, Judge Bliss made his life a model for rising youth; and his success is an inspiration to every one.

Judge Bliss was a friend of the University boys, and was ready to assist them at any and all times. As a neighbor, he was always agreeable and made one feel better by having a talk with him. He had a theory that a gentleman was never excusable for showing his temper; and he lived up to that theory. He was greatly afflicted with bronchial trouble for thirty years, and he also suffered serious financial reverses in his advanced years, but he paid his security debts in full and was ever the same affable gentleman. It is not surprising that his students almost worshiped him.

On account of the illness of Judge Burckhardt, Judge Bliss held one term of the Boone circuit court. At the trial of a case at that term, a little girl was offered as a witness, and the opposing lawyer objected, as the child was too young to testify. Judge Bliss then allowed the lawyer to question her, as to her intelligence, religious belief, etc. Not being acquainted with either the Bible or the Statutes, the lawyer asked her if she knew where she was going when she died. The timid little one replied that she did not; and then the lawyer pressed his objection. Judge Bliss said, "The objection is overruled, because you do not *know* where you are going, and I do not *know* where I am going."

JUDGE ALEXANDER MARTIN

Judge Alexander Martin was an active practitioner in St. Louis county, where he lived, and in St. Louis city, where he had an office for so many years. He was associated with the firm of Lackland & Martin, and had an extensive practice in the appellate courts of the state and of the nation. He was commissioner of the supreme court of Missouri, and dean of the law school of the University of Missouri. He understood law as a science, was a clear and forcible writer, and made a most logical presentation of his case.

Judge Martin told the following, as his experience in taking his first appeal from the circuit court. "My client thought he was injured and aggrieved, and so did I; but I did not know the difference between the motion for a new trial and a writ of error. Accordingly, I advised with the circuit clerk, who was my personal friend. He said that there was no use to file a motion for a new trial, as he had been clerk of the court for a number of years, and he never knew of such a motion being sustained. He advised me to file an affidavit for appeal, and 'take up the case.' I did so, and the supreme court wrote an opinion, the shortest I ever saw; it was just about one inch long. And the result was my client still thought he was injured and aggrieved; and he was never my client after that."

Judge Martin was usually very cool-headed and even tempered, but he lost his temper once. One senior law class had given him a good deal of trouble, put a pin in his chair and otherwise acted ugly. It was reported that a certain man, who was graduated from the law department some years ago was to be hanged in Carroll county; so the members of the senior class, as a joke, announced that the class would celebrate the occasion. When Judge Martin learned that, it is said that he grew eloquent with indignation.

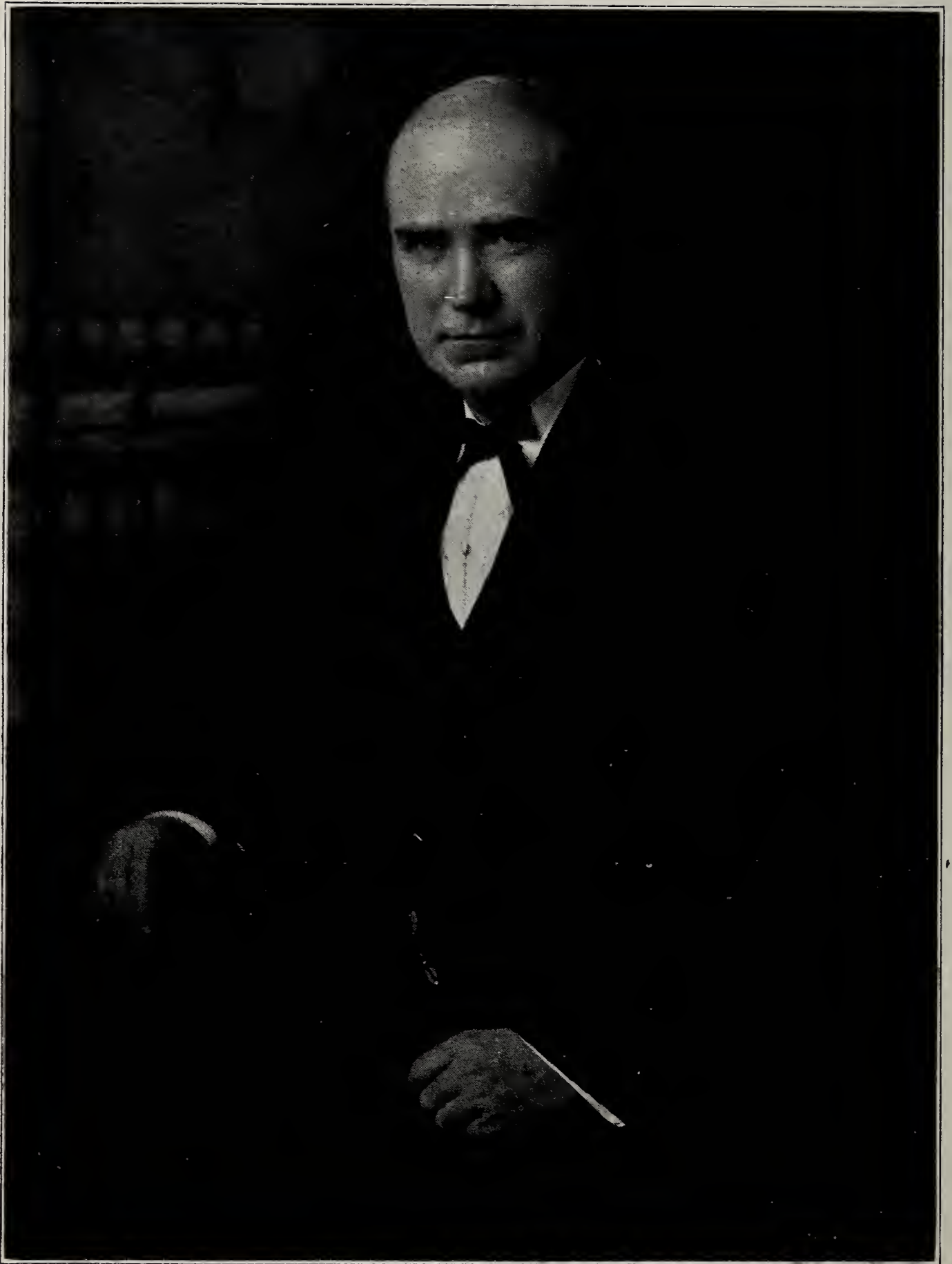
Judge Martin was president one term of the Missouri Bar Association.

JUDGE JAS. D. FOX

While Judge Fox was not a citizen of Boone county, yet he visited Boone county when he was a candidate for judge of the supreme court in 1902, and made a short speech in the court house. Judge Fox then told three stories on himself, which pleased the crowd so much that he received the support of the Boone county democrats at the judicial convention, which later on nominated him for the supreme court. The stories are as follows:

I have served as judge of the circuit court of Madison, St. Francois and Bollinger counties, and I have always tried to be one of the people, and to serve the people. One day just before the law permitted killing wild turkeys, I could not wait any longer, so took my gun and went on a little hunt; and killed a fine gobbler. As I was carrying him home, I met a man named Turner, who had just been selected by the county court to serve on the grand jury, which was soon to convene in my court. I said, "Mr. Turner, I was not expecting to meet you, but I do not want you to let any feeling of friendship for me prevent you from doing your duty when the grand jury is in session." Later on, I appointed Mr. Turner foreman of the grand jury, and gave that body a special charge about violations of the game law. In due time, the grand jury made a final report and asked to be discharged; but no indictment was returned against me. After discharging them, I saw my friend Turner, and said, "Mr. Turner, I told you to do your duty, and not to shield me." He replied, "Yes, judge, and I did; I told the whole story to the grand jury, but I could not get a man on the jury to believe that you killed that turkey."

I have a goodly portion of Irish blood in my veins, and I have never been ashamed of it. A few years ago, an Irishman was indicted in my court for stealing a watch, and the evidence against him was purely circumstantial, but very convincing. He had no money and no friends, so I appointed two good lawyers, Moses Whybark and R. B.



JUDGE JNO. F. MURRY

Oliver, to defend him; and, while they had no evidence to offer, they certainly made fine arguments. After some hours deliberation, the jury brought in a verdict of guilty, fixing his punishment at three years in the penitentiary. When I asked the defendant if he had anything to say why sentence should not be pronounced against him; he replied that he had. Then he said, "Your honor has given me a fair trial, and I am obliged to you. You have appointed two of the best lawyers in the state to defend me, and I am obliged to you and also to them. In fact, I have received so much consideration in court, that I would like for your honor to cut my punishment down to two years, so I can get out of prison in time to vote for you when you run for re-election."

Judge Fox also told of a stuttering man, who was in his court, and testified that another man had a good reputation in the neighborhood in which he resided. On cross-examination, the lawyer sought to test his knowledge, and asked him what was the meaning of "the neighborhood in which a man resided;" and the stuttering man replied. "It is just as fur as a man can go to borrow a sack of meal."

JUDGE WARREN WOODSON

One of the most efficient county officials was Warren Woodson, who was county clerk for nearly forty-one years; and justice of the peace and first probate judge of this county, and a member of the bar. During his term, practically all of the probate business was attended to by him, and it was done in a highly satisfactory manner. Judge Woodson was one of the best scribes who ever served the county, and his records are models of accuracy and neatness, all written with a quill. He was a courteous man. In the opening of each day's record, he would write: "Court opened pursuant to adjournment; present Peter Wright, Anderson Woods, and Lazarous Wilcox, Gentlemen Justices of the County court."

At the conclusion of his term in 1860, having served thirty-nine years and declining to run again, Judge Woodson wrote and read to the county court a most interesting paper, which he termed his "Valedictory," and which was so highly prized by the court that it was spread on the court records (see county court record, book "N," pages 270-5). The court also entered of record a statement of its high appreciation of his services to the court and to the county. This farewell address of Judge Woodson's is certainly worthy of preservation; and it will pay all of our lawyers, county officials and citizens generally to read it and to remember it.

Warren Woodson was one of the original subscribers to the fund that secured the location of the State University in Boone county, and

actively assisted in raising that fund. He was one of the first curators of the Missouri University, and was a member of the building committee that had in charge the erection of the main building in 1840 and 1841. He was president of the board for a number of years, and served the University without any compensation, at a time when that institution was struggling for an existence. He was one of the first trustees of Columbia College, the institution which preceded the State University: and he was a curator of Columbia Baptist Female College, afterwards known as Stephens College, and was first secretary of its board. He was one of the organizers and first directors of the Columbia & Providence Plank Road Company, and liberally aided in the construction of a plank road connecting the county seat with the Missouri river.

Although he stated in his valadictory that thirty-nine years in one office was "glory enough for one man," yet in 1866, Judge Woodson, having lost nearly all his property in the war, again entered the race for clerk of the county court. He received the certificate of election; but his opponent, Capt. Henry N. Cook, contested his election; and the supreme court of Missouri, by a divided court, decided in favor of Cook. An appeal was taken to the United States Supreme Court, but before the case was reached by that court, Judge Woodson died, in October, 1868. He was one of the few Boone county officials who died in office, and the Woodson-Cook contest was the only election contest the county has ever had. On the death of Judge Woodson, the governor appointed Henry N. Cook clerk of county court.

Like most of the early officials of Boone county, Judge Woodson was a whig until the beginning of the Civil War; and from that time on he was a democrat.

JUDGE JAS. A. HENDERSON

Judge Henderson was the only Boone county lawyer to serve as judge in this county, and then to serve as judge of the same court in another county. He was judge of the probate court of Boone county, then moved to St. Louis county, where he was elected judge of the probate court of that county. While in Boone county in 1870, he prepared the first abstract books in this county; and was one of the first lawyers here to realize that an abstract of title was an important document. Judge Henderson afterwards moved to the city of St. Louis, and became the attorney for the public administrator of that city. His son, Hon. Wm. W. Henderson, was judge of the probate court of that city.

On April 1, 1872, the legislature passed an act establishing probate courts in eight counties, Boone being one of them. The act was to take effect June 1st, and at the following November election a judge of that court was to be elected. The governor appointed Jas. A. Henderson judge of the probate court, but the county court refused to recognize him and refused to deliver to him the books and papers pertaining to probate business. Judge Henderson thereupon instituted ouster proceedings in the supreme court, and that court decided that the act creating the probate court was constitutional, that there was a vacancy in the office of judge of that court, as soon as the act went into effect, and that the action of the governor in appointing a judge was legal (*State ex rel. v. County Court*, 50 Mo. 317).

Judge Henderson is a most interesting and instructive talker, and has lectured to a large Bible class in St. Louis for a number of years past.

JUDGE JOHN HINTON

Judge John Hinton, who was a Virginia gentleman of the old school, served as a soldier during the Mexican War in the Doniphan's expedition, and became a colonel. He was elected probate judge of Boone county, served for nineteen years and his decisions were never reversed by the higher courts. For many years he lived on a farm four miles east of Rocheport and just south of the Rocheport Turnpike, and proved a success as a farmer. Judge Hinton was ever ready with an answer, and could see wit, if there was any, even in a serious proposition. While he was on the probate bench, a lady from near Wilton appeared in court and complained that her husband was of unsound mind, and wanted a trial to be had. Judge Hinton asked her if her husband was unkind to his children, if he was mistreating her, if he was wasting his property; to all of which she replied that he was not. Judge Hinton then inquired what particular form of insanity he possessed, and the lady said, "Judge, he is not regularly insane; but he is a great crank." Judge Hinton promptly said, "Well, madam, if I should summon a jury and try every man whose wife thought he was a crank, the business of this court would be filled to overflowing."

In 1890, a paper was filed in the probate court, purporting to be the last will and testament of Lawson B. Stewart, deceased. The document had been written by a physician, and there was attested to it the names of three witnesses. In giving their testimony, however, the witnesses admitted that one of them had signed at the time the deceased signed the paper, but that the other two did not sign till after his death. Learning then that the law required two witnesses to a will,

two more gentlemen were called in and signed the paper in the presence of Mr. Stewart's dead body. Judge Hinton rejected the pretended will, and, at the same time, advised the party not to send for a lawyer when they needed a blacksmith.

While Judge Hinton was on the bench, James S. French, an Ashland merchant, better known as "Blue French", presented an account for allowance against the estate of one of his deceased customers. Mr. French's books showed that the account presented was correct, and no doubt it was, but he admitted that the entries on his account book were all made from memory, after the deceased's death. Of course, the account could not be allowed, but Mr. French was never able to understand such "legal technicalities".

While Judge Hinton was on the bench, a rather meddlesome person came to him to complain about some alleged misdeed of an administrator. This was not the first complaint this person had made, but it was the smallest he had made. Judge Hinton said; "When I lived in Virginia, a man named James Rogers Smith was charged with arson, with robbery and with murder; but was lucky enough to be cleared every time. He joined the marine service, enlisting under the assumed name of 'Browning.' Not long after his enlistment, some one broke into a private apartment and stole some chewing tobacco. One of the knowing ones reported it to the officer in charge, and also told him that Browning had been charged with various offenses on land and that his real name was James Rogers Smith. The officer sent for him, told him that he knew his real name and was acquainted with his record, and that the severest punishment would be inflicted on him, if he was guilty of any other offense on that ship. Browning, alias Smith, replied, 'Well, Captain, you say that my real name is Smith, and I admit that I have gone under that name; and I also admit that I have been charged with various offenses, but do you think that a man who would commit arson, robbery and murder would be guilty of so small a matter as stealing chewing tobacco?' The officer admitted that he did not." With that, Judge Hinton turned in his chair and began writing; and the telltale went about his business.

Another time, a complaining person called on Judge Hinton, saying that a certain man was not a suitable person to continue as executor, as he had been turned out of the church, for violating a church rule. Judge Hinton said, "That reminds me of what a noted Confederate officer said when objection was made to him that one of his subordinate officers had been talking ugly about his wife. He said, 'Well, sir, that is none of my business.' 'But,' said the complainant, 'General, this officer has been talking ugly about you.' The general replied, 'That, sir, is none of your business.' "

Although a dignified man and an ideal jurist, Judge Hinton did not need an officer to preserve order in his court room; but considered himself a peace officer. A man named Barnes once presented a claim against an estate, of which Elvin J. Nichols was the Administrator, and Judge Hinton disallowed the claim. After court had adjourned, Mr. Barnes was standing in front of the court house and complaining that the decision was unjust. He also said that he would have said something about it, if Judge Hinton had not been on the bench. At that moment, Judge Hinton passed by and overheard the conversation; he quickly turned and addressing Mr. Barnes, said: "Well, sir: I am not on the bench now, so let's hear what you have to say." Mr. Barnes thought it best not to say anything.

Before he was elected to the probate bench, Judge Hinton was in business in Rocheport, and before that he was a pilot on a Missouri river steamboat. During his first campaign, Judge Hinton promised the voters that he would pilot the administration affairs of the county as safely as he ever piloted a craft on the Big Muddy. And he kept his word.

JUDGE LEWIS M. SWITZLER

Judge Lewis M. Switzler held the office of probate judge longer than any other one man, except Judge John Hinton. Since retiring from the bench, Judge Switzler has been the regular attorney of the Boone County Home Mutual Fire Insurance Company. He is now the oldest living member of the Boone county bar.

Some years ago, Judge Switzler was attorney for Jas. M. Boswell, a Columbia merchant, who brought an attachment suit against the first woman physician Columbia ever had. After getting deeply in debt to various merchants, this lady started to leave the state, packed up her household goods and moved four large boxes to the Wabash station. Mr. Boswell sought the assistance of Judge Switzler, who advised an attachment suit; and the bond and affidavit were soon prepared. The officer attached the boxes, and started with them to the court house. Some three or four other attachments were procured, and the same goods were seized. Judge Switzler and his client were on hand and mentioned to the officials and parties that it must be remembered that Boswell's was the first attachment. When the boxes were opened, it was found that they contained old rags and old newspapers; and at the bottom of one box was a pair of ram's horns, with these words written on a piece of paper, "What fools these mortals be." It was afterwards learned that the woman physician had secretly

moved her furniture to Rocheport, and the same had been transported by boat to Kansas City.

During 1861-65, Judge Switzler took sides with the Union and served as deputy provost marshal of Boone county; and in 1868 he was elected supervisor of registration of this county.

JUDGE JNO. F. MURRY

"The first thing I did, as probate judge," said Judge Jno. F. Murry, "was to talk to a woman who said she wanted to be 'executioner' of her husband. I asked if her husband were dead, and I really felt better when she said that he was."

Judge Murry is now holding his third term as probate judge, having been elected the second and third times without any opposition. The judge pays little attention to the technical rules of evidence and procedure, but tries to get at the root of all matters, and hand out common sense and ordinary fair dealing in his court.

JUSTICE JOHN SLACK

Mr. Slack was formerly a justice of the peace in Howard county, before the organization of Boone county. He was one of the few citizens of this county who was a native of Pennsylvania, residing in Kentucky a short while. He was an extensive tobacco grower, and was twice appointed state tobacco inspector, the only Boone county man to be thus honored. Although a Thomas Benton democrat, and Boone county was a whig county, Mr. Slack was elected a representative from Boone in the legislature of 1824. He was also a curator of the University. He was the first justice commissioned in Boone county, and he was appointed justice of Smithton township in November, 1820.

JUSTICE M. G. CORLEW

M. G. Corlew is the only justice of the peace of this county who had a suit against the county in the supreme court. Mr. Corlew was constable, before he was justice, and as constable he paid seven dollars into the county treasury, to which he afterwards learned the county was not entitled. Accordingly, he presented his claim to the county court, but that body refused to refund the same to him. Suit in the circuit court resulted in a judgment against the county, and so did the appeal to the supreme court (see *County of Boone vs Corlew*, 3 Mo. 12). Evidently the citizens and county officials of the 'twentys and thirtys' litigated for the sake of principle.

JUSTICE WM. W. TUCKER

Wm. W. Tucker, of Rocky Fork township, was one of the few justices of this county who had an interesting experience in the federal court. Mr. Tucker was summoned to serve on the grand jury at Jefferson City, but failed to appear. That was one thing that Judge Kreckel could not endure, and he never failed to remember that against a man. Some six months after, Mr. Tucker was in Jefferson City, and he had some business in the office of the clerk, Mr. H. C. Geisberg, when Judge Kreckel came in. On learning that Mr. Tucker was the juror who failed to respond at the previous term of court, Judge Kreckel said, "Mr. Clerk, enter up a fine of ten dollars against Mr. Tucker, and make the order *nunc pro tunc*."

JUDGE JAMES McCLELLAND

Col. James McClelland, an officer in the War of 1812, was the only judge of the Boone county court to be nominated for lieutenant governor, although Judge Ben M. Anderson aspired for the democratic nomination in 1908. Judge McClelland was the whig candidate for lieutenant governor in Missouri in 1832, but was defeated by Hon. Lilburn W. Boggs. While Judge McClelland was on the county bench, the court appointed Warren Woodson treasurer of the board of internal improvements, and required him to give bond for four thousand dollars. This was a voluntary association, composed of county judges and other progressive citizens, the object being to improve roads and build bridges, work in addition to that which the law allowed the county to do.

During his campaign for lieutenant governor, Judge McClelland never missed a term nor a day of court, but was always at his post of duty. He was one of the few county judges to die in office. He died in the summer of 1833.

In 1822, Judge McClelland donated the ground in Cedar township on which the Bonne Femme Academy and Baptist Church were built. This was the first school and the second church of that denomination erected in Boone county.

JUDGE JAMES HARRIS

Hon. James Harris, for many years judge of the Boone county court, and the father of Judge David H. Harris, was a young man at the time of the contest for the location of the State University in 1839. Although he did not then have a dollar, he subscribed one hundred

dollars; and the first money he made, he used to pay this subscription. Judge Harris died in 1881. He owned a large farm on the Columbia and Ashland gravel road, and kept a number of deer in his front pasture. Deer Park was named after his farm.

Judge Harris was the oldest member of the county court, and the other members were Judge David Gordon and Judge J. Y. Batterton. Judge Harris once said, "After any matter has been presented to the court, I always know what the other members of the court will say. Judge Batterton always says, 'We will take it under advisement'; and Judge Gordon always says, 'I think it is premature.'"

JUDGE SAML. N. WOODS

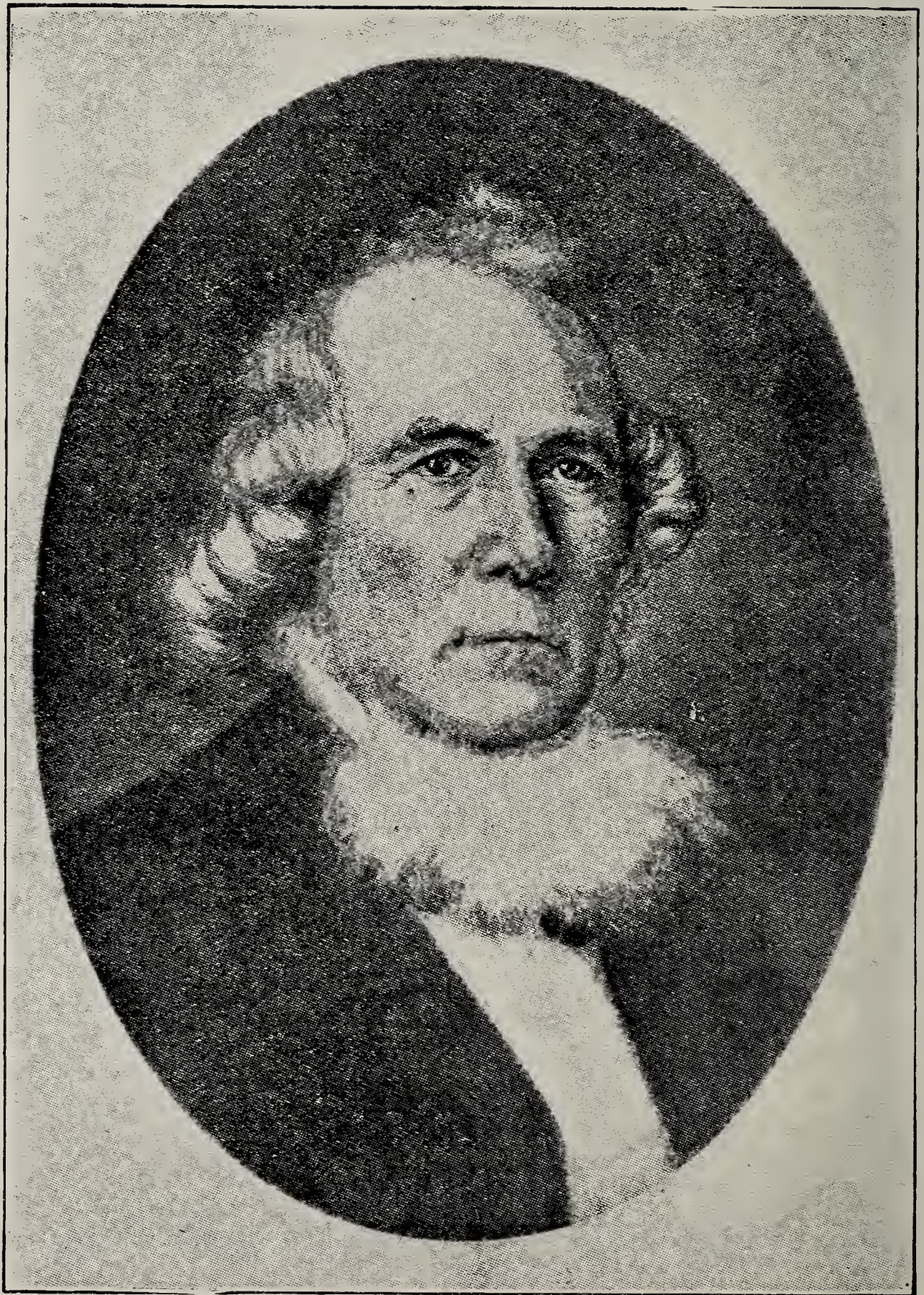
Judge S. N. Woods served as justice of the peace of Bourbon township, and also five terms as judge of the county court for the northern district. He was a plain outspoken man, and never tried to conceal what was in his mind; he was too frank to be a successful politician. It was told of Judge Woods, during one of his races, that his wife said "He was not two-faced; if he had been, he would certainly turn a better looking face to the public."

A picture of Judge Woods may be seen in the county court room; and his picture, and pictures of Judges C. C. Turner and Jno. S. Bedford, who comprised the court when the court house of 1909 was constructed, were placed in a metallic box in the corner stone. When the names of these gentlemen were written on their pictures, some one suggested that Judge Woods looked like "Sitting Bull", so that name was written on his picture.

At the trial of a road case in the county court, there was evidence pro and con as to whether a certain road in Perche township should be changed, and what kind of a road the old road was. Judge Woods was well acquainted with the old road. One witness said it was a "fair road", and Judge Woods misunderstood him; he thought the witness said an "air road", "That's it exactly," said Judge Woods, "a very good road for airships to travel over, but not suitable for wagons and buggies."

JUDGES SOLEMNIZE MARRIAGES

Shortly after he was appointed judge of the probate court, Hon. Jas. A. Henderson was called on to marry a couple, at the home of the bride's parents, some three miles from Columbia. Judge Henderson hired a livery team, and invited Hon. Lewis M. Switzler, then a young lawyer, to go with him. After making a beautiful talk, giving the



JUDGE PRIESTLY H. McBRIDE

young people plenty of advice, Judge Henderson confidently expected a good supper and a good fee. The groom called the judge out into the hall, and taking out a ten dollar bill, asked him how much he charged. Judge Henderson looked wistfully at the bill, and, hoping that he would get all of it, replied that he made no regular charge. The groom smilingly said, "I am so much obliged to you, Judge Henderson." Judge Switzler says that Judge Henderson looked as small as the point of a cambric needle.

When Judge Switzler became judge of the probate court, and married his first couple, the groom told him to charge his fee to the account of love and affection.

Prior to 1881, our statute did not require any marriage license; but it did require the officiating minister, judge or justice of the peace to certify in writing to the marriage, and to file the same for record with the recorder of deeds. The recorder's fee was fifty cents, and, when the groom failed to pay, the officiating minister or justice often failed to file a certificate of marriage. At one time, Thomas B. Gentry, J. P., married a couple in the county court room, in the presence of a goodly company; and, as soon as the ceremony was concluded, the groom called him to one side, and announced the fact that he had no money. But the groom further told him that he had some cord wood for sale, which the justice readily agreed to accept for his fee. Relying on that promise, the justice filed the certificate of marriage and paid the recording fee; but never saw either bride or groom again, neither was the cord wood forthcoming.

Ben Cave, who lived in this county for many years, coming to Boone county when, as he expressed it, "there wasn't a tree missing in Columbia", told the following story a short time before his death. The first marriage in Boone county occurred in a log cabin which stood where Christian College now stands; and, as was customary, every person for miles around was in attendance. The cabin, which was a one story structure with a loft above, was the home of the bride's parents. At the appointed hour, the bride was in the loft, and several lady friends were helping to decorate her; and Judge Lazarus Wilcox and a good company were in the room underneath. Unfortunately, the bride stepped on one of the loose planks, which flew up and precipitated her to the room below, her foot striking Judge Wilcox on the head as she fell. She was not ready to come down. Much was her embarrassment and the embarrassment of the entire company, no one seeming to know just what to do. At that trying moment, the mother came to her rescue and called out, "Sal, run to the fodder shock." So Sal ran out the door of the cabin, beat a hasty retreat to the fodder shock.

The mother climbed the ladder and procured the remaining garments for the daughter from the loft and soon the blushing bride returned and the wedding ceremony proceeded. In concluding, Uncle Ben Cave said, "This was one of the most interesting weddings Boone county ever had."

Before the days of the marriage license, the minister, justice or judge was required to ascertain the ages of the contracting parties to the marriage, and he was prohibited under heavy penalties from marrying a person under legal age. Judge J. W. Hickam was once prosecuted for solemnizing a marriage, when the young man was under twenty-one; and this possibly accounts for the unusual certificate of marriage that Justice Hickam executed. It is as follows:

"I do hereby certify that upon April 1, 1838, I was called upon to marry Absalom Corn to Phebe Martin. I accordingly went to one Priestly Rogers where I found the parties. Before I proceeded to join them in the bonds of matrimony, I asked Mr. Corn some questions as to his age. He stated that he was twenty-one years of age the 25th day of December, 1837, and Mr. Rogers and others who were present stated that they had heard the mother of Corn say at different times that he was twenty-one years old Christmas Day, 1837. I had been acquainted with Mr. Corn for nearly three years, during which time he acted for himself, nor had I the least doubt but what he was of lawful age. I proceeded to join them in matrimony and went away. I had not left more than three minutes until I was informed that some one had said that Corn was not twenty-one years old. I immediately went back and told Corn what I had heard and that as I did not wish to involve myself in any difficulty and that if he would go to his mother and get a certificate all would be right. He stated that it would be unnecessary, that he would prove himself to be twenty-one years old. I then ordered him not to consider himself married; but he declined to comply with my order. J. W. HICKAM, J. P."

It is not surprising that the case against Judge Hickam was dismissed.

Before the days of bridges across Perche Creek, John Slack, one of the early justices, was invited to marry a couple on the other side of the creek from his residence. Several hours before the appointed time, there was a heavy rain and the creek could not be forded. At that time, justices were few and ministers were fewer, and the distance to the nearest town was great and the roads almost impassable. Accordingly, the justice stood on the east bank of Perche and the contracting parties stood on the west bank, and the marriage ceremony was performed with all the solemnities required by the statute. Mr.

Slack had them to procure a lantern, so that he and the two witnesses could see that the bride and groom joined their right hands.

About 1828, Young E. Hicks and Richard Gentry, the former county judge and the latter a justice of the peace, left Columbia, in company with Amos Marney and others, to engage in the Sante Fe trade. As they neared Rocheport, they met a couple of young people on horseback, and evidently in great haste. Inquiry developed that they were running away to Boonville to be married. Justice Gentry was outside of his township, so he feared he did not have jurisdiction, but Judge Hicks knew he did have jurisdiction, so he performed the ceremony, all parties being on the old state road. Judge Hicks was seated in his wagon, and the bride and groom were on the same horse.

Judge S. N. Woods was usually very careful, but occasionally he forgot to attend to an important matter. It is said that one of his neighbor boys wanted the judge to come one evening at eight o'clock *sharp* and officiate at his wedding, which the judge promised to do. Shortly after supper, however, Judge Woods proceeded to disrobe and go to bed, forgetting all about the would-be bride and groom. But he was unable to sleep; he tossed from one side of the bed to the other, till ten o'clock, when he heard some one coming in the front gate of his pasture. He wondered who it could be, when all at once he discovered that it was the young man, and his girl was with him; also two or three friends. The weather was mild, and the moon was bright. Without any apology, Judge Woods, called to them from his up-stairs window, "Join your right hands, I will marry you right here and now." And, without stopping to put on his breast pin, and indeed with nothing on but his night shirt, Judge Woods, to use his own language, "In three or four words, I made one out of two." And then to even matters up, the judge declined to make any charge.

CHAPTER VI

THE LAWYERS

SAMUEL WHEELER

Little is known of the first lawyers who came to Boone county, but the "Missouri Intelligencer", published at Franklin, in Howard county, mentions the fact that Anthony B. Lane and Samuel Wheeler practiced law in Smithton. An examination of the deed records show that Lane never had any deed to real estate here; but Samuel Wheeler had deeds to several pieces. In 1821, Reuben E. Gentry conveyed eleven-acre Lot No. 7 in Columbia to Samuel Wheeler; and Wheeler sold and conveyed the same in 1822. This is the ground on which the Bible College of the Christian church and Library Building of the University are now situated. Wheeler also owned Lots 172 and 246 in Columbia; in one of the deeds to Wheeler, A. B. Lane signed as a witness to the grantor's signature.

At the February term, 1822, Samuel Wheeler presented a petition, which he and others had signed, to "The Most Worshipful Judges of the Boone County Court", asking the court to join in a request to the governor to appoint two additional justices of the peace for Columbia township. And at the May term, 1822, the county court records show that Samuel Wheeler was allowed five dollars for legal services rendered the court.

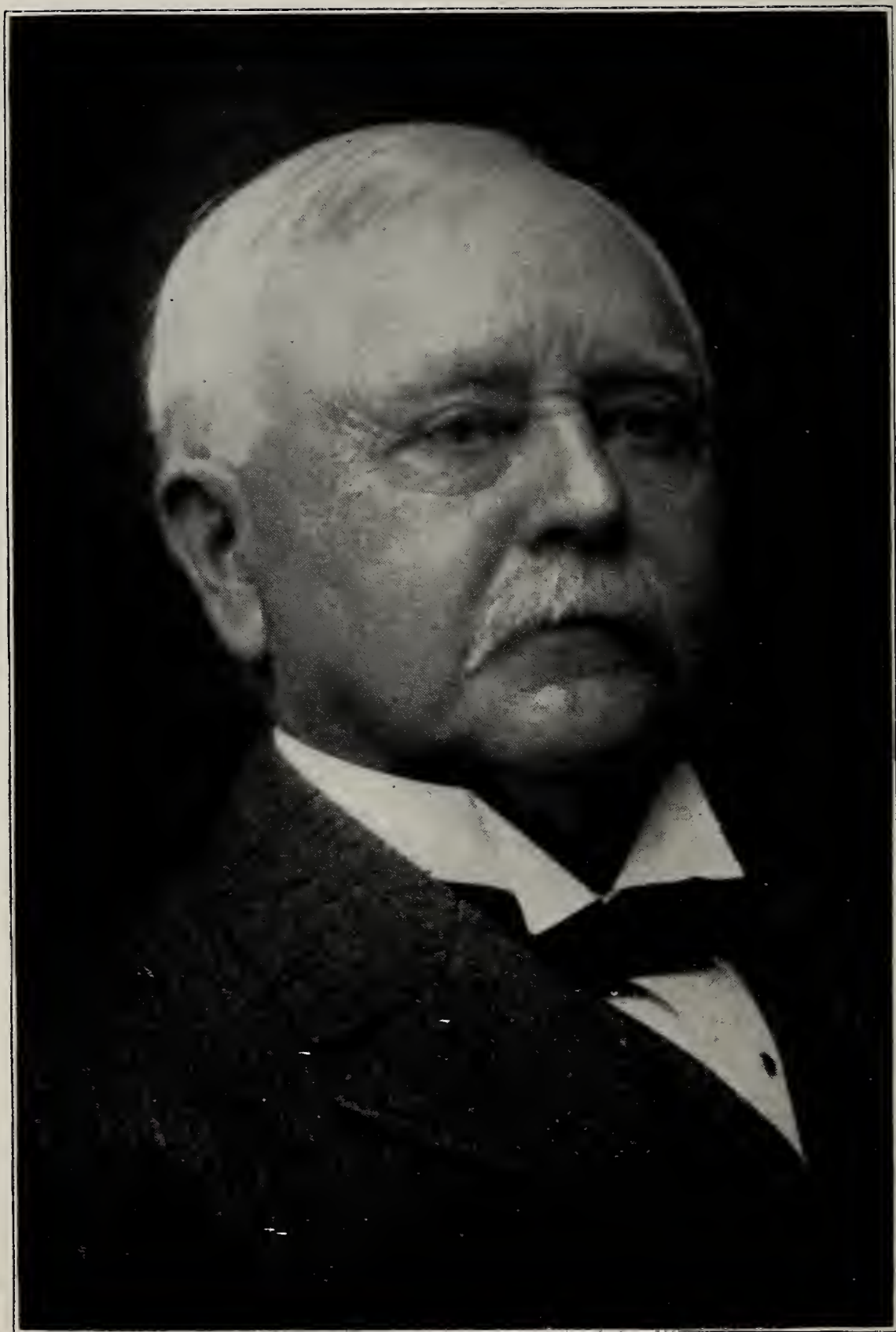
In 1824, Mr. Wheeler gave a power of attorney to Jno. T. Foster, authorizing the execution of deeds to Wheeler's property in Boone county; and the instrument was acknowledged before the county clerk of Bath county, Kentucky. As Foster afterwards executed deeds to Wheeler's property, and as Wheeler's name does not afterwards appear on our deed records or our court records, it is reasonable to infer that he left here and moved to Kentucky.

In the "Missouri Intelligencer" of 1820, appears the following:

SCRIVENOR'S OFFICE.

The subscriber takes this method to inform the public that in the future he will attend to drafting (when called on) all kinds of Deeds of Conveyance, Bonds, Contracts, Indentures, Letters of Attorney, or anything else in his line, according to the best approved form now in use, at his office in Smithton, Boon County

SAMUEL WHEELER.



JUDGE JNO. F. PHILIPS

A. B. LANE

A. B. Lane, the other Boone county lawyer residing at Smithton, also believed in the use of printer's ink, for he too carried an advertisement in the "Missouri Intelligencer" in 1820. His card was as follows:

A. B. LANE

Respectfully tenders his services to his friends and the publick as a Practitioner of Law, and flatters himself with a hope that, from his determined attention to business, he will meet with a small share of publick patronage. His office is at Smithton, where he will be at all times found, unless absent on professional business.

Evidently Mr. Lane did not stay at his office as closely as he had expected, for on August 19, 1826, the commissioners of Boone county filed suit against him, founded on three notes for thirty-two dollars each, and Lane's interest in Lot No. 298 in Columbia at Seventh and Ash Streets, was attached. The ground for the attachment was that Lane had absented himself from his usual place of abode. The lot was afterwards sold by the sheriff.

TWO LAWYERS IN A DUEL

In 1824, Major Taylor Berry, one of the trustees of Smithton, and an extensive land owner in western Boone county, had a disagreement with Abiel Leonard, over some lawsuit. Berry and Leonard were both well-known Howard county lawyers, and both had practiced extensively in Boone county; and Berry had served in the war of 1812. As a result of this disagreement, a duel was fought on an island in the Mississippi river near New Madrid county, and Berry was mortally wounded, dying some days thereafter. Public sentiment was then against dueling (see Act of December 13, 1822, R. S. Mo. 1825, p. 340), and, for fighting this duel, Leonard was disfranchised. In 1825, the Missouri legislature passed an act restoring his citizenship, and in 1855 he became one of the judges of the supreme court of Missouri.

PEYTON R. HAYDEN

One of the queerest men who practiced law in this county in early times was Peyton R. Hayden of Cooper county. Mr. Hayden was one of the last men to keep up the custom of wearing long hair, and he had it down his back in a queue. His clean shaven face made him not unlike a woman in appearance. Three lawyers finished their busi-

ness in the Boone Circuit court, and started for Saline county, riding horseback, and just as they were leaving Columbia, Judge Todd told them to tell a certain lady who kept a small tavern at the cross-roads in Howard county that he (Judge Todd) and Mr. Hayden would be there two days later and would want a room for the night. Hayden had played practical jokes on all of these lawyers, and they were determined to get even with him. Accordingly, when they stopped at the tavern kept by that lady, they told her that Judge Todd had requested them to say to her that he would be along there with a "friend" in two days, and wanted a room reserved. The lady said that she would be glad to see the judge, and of course would reserve the room. The lawyers then hesitated, looked serious, and finally told the lady that they regretted to tell her, but felt it their duty to inform her that Judge Todd was traveling with a woman dressed up in men's clothes, and was passing her off for a man. The lady who was always anxious to hear all the gossip, thought that she saw an opportunity to make an example out of one who was thus acting, and show her contempt for the "double standard." Accordingly when she saw Judge Todd, at the appointed time, coming up to her house, in company with the supposed woman, and especially when she saw the long hair in a plat down the back, she hastened to the front door. She met the guests at the threshold and welcomed Judge Todd, but in the strongest terms she told the "old huzzy" not to come in her house. Both men were amazed, and Judge Todd tried to introduce Hayden as his friend, when the lady interrupted and said, "Yes, I suppose she is your friend; may be my husband has such a friend, but he dare not bring her to my house." It was nearly supper time, but the indignant land lady would not allow such a person in her house, no not for one moment. So Todd and Hayden had to ride some miles farther on before they could find a place where supper and lodging could be provided for both of them; and they did not learn the cause of the rumpus till they caught up with their three lawyer friends in Saline county.

Mr. Hayden was fond of the study of law, but not of literature. During recess one day in the Boone county court house, a lawyer named Field from Lafayette county asked him what he thought of Lord Byron's "Child Harold". And Mr. Hayden replied, "Egad, sir, I did not know that Byron had a child named Harold."

SINCLAIR KIRTLEY

Capt. Sinclair Kirtley was not only well known in Boone and adjoining counties, but well known all over Missouri, and he was one of the great lawyers of the state. He represented Boone county in the

General Assembly of 1833-35, was chairman of the judiciary committee, and was the first person to introduce a bill looking toward the establishment of the State University. The bill did not become a law till 1839. Captain Kirtley lived in Columbia from 1825 till 1847, and his home was the center of society. He planted the first flower garden in Columbia, and he built the first ice house in Boone county; and his orchard, which stood near where the Columbia Presbyterian church now stands, was one of the first planted in this county.

Captain Kirtley, though as gentle as a woman, was as bold as a lion, and his moral courage was far above fear or favor, so his daughter Mrs. Eliza Kirtley Royle writes. About 1835, a negro boy named Archie was charged with the murder of his master, a wealthy bachelor who was said to be cruel to his slaves; and the whole county was stirred up over the homicide. Judge Todd appointed Captain Kirtley to defend the negro, and he did so with marked ability, making an argument on the danger of circumstantial evidence that has rarely been equaled. But the feeling was so great that Archie was convicted and executed, though it afterwards developed that he was innocent, and that other slaves committed the murder. Threats were made against Captain Kirtley's life if he appeared to defend Archie, but he paid no attention to them, and discharged his whole duty to his client.

One of Captain Kirtley's clients had judgment rendered against him by default, as Captain Kirtley did not appear when the case was called for trial in the circuit court. A motion for a new trial was filed, and it was alleged, among other reasons, that the attorney "was detained on the farther bank of a certain creek called Roche Perche, in traveling to Columbia, on account of high water, and that the wolves were so numerous in that locality that he hesitated to sleep on the bank of the creek, but sought refuge in a farm house some miles beyond, thereby making it impossible for him to attend court on that day." The default judgment was set aside.

JNO. B. GORDON

Hon. John B. Gordon was said to have been one of the most eloquent speakers who ever practiced at the Boone county bar; he was a whig and represented Boone county in the Missouri legislature at the time when the State University was located. To Representatives Jno. B. Gordon and Jas. S. Rollins and Senator A. W. Turner are due much of the credit for Boone county's victory in 1839. Mr. Gordon further showed his interest in higher education by donating to the state the ground upon which the main building of the University was erected, and where the old columns still stand.

During the session of 1838-9, Thomas H. Benton was a candidate for re-election to the United State senate, and a deadlock resulted. During the voting, to the surprise of every one, Gordon voted for Benton, and Benton was elected by one majority. That night, Benton's friends gave him a reception at a hotel and, among others, Mr. Gordon attended. When Gordon shook hands with Senator Benton and mentioned that he had voted for Benton, "Old Bullion" replied, "Yes, Mr. Gordon, and I am sorry for it. The people of Boone county will not approve of that vote, sir. You were elected as a whig and you owed to your people to properly represent them, or to resign, sir." And Gordon, quick as a flash, said, "Go to the devil." Instead of Boone county disapproving of Gordon's vote, Mr. Gordon was returned to the legislature several times thereafter. Col. Switzler said that Mr. Gordon was such a fine speaker that he could almost convince the people of Boone county that white was black.

During the 'forties, Mr. Gordon had the first law school in this county, and there graduated from it some of the best lawyers Boone county ever had. The school consisted of one class and one teacher, and the building used was Mr. Gordon's law office, a house made of logs and consisting of one room. It was situated in the yard at Mr. Gordon's home, two miles east of Columbia, on the south side of the Cedar Creek gravel road. Odon Guitar, Boyle Gordon, Chas. W. Gordon, Emmett Gordon and Jas. B. Persinger attended this law school.

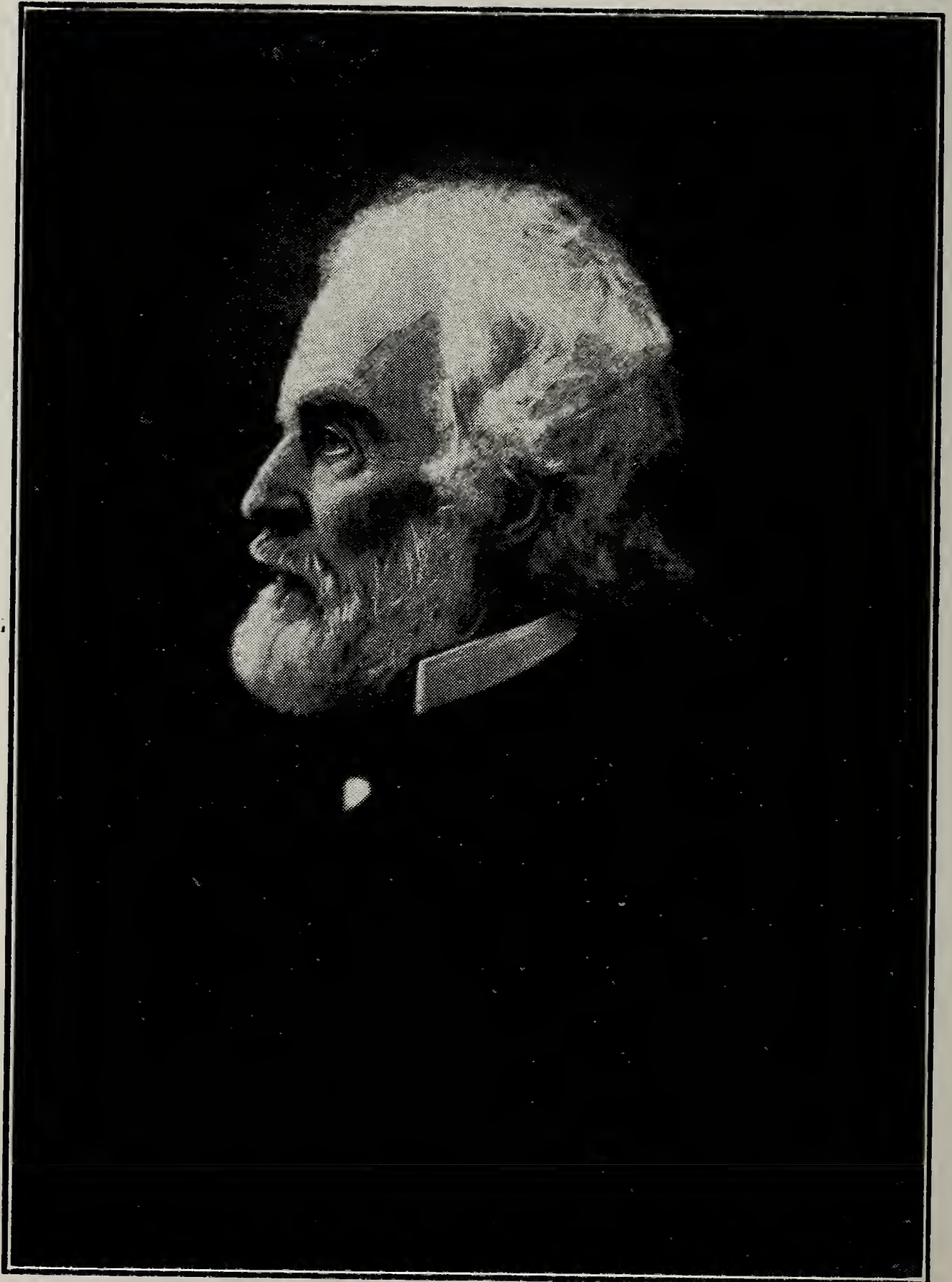
Before leaving Madison county, Kentucky, Mr. Gordon had a similar law school, and several men of note attended it; among them was Samuel F. Miller, who moved to Iowa and became justice of the United State supreme court.

Like Jas. S. Rollins, David Todd, Sinclair Kirtley and other lawyers of the early days, Jno. B. Gordon had a law office in a room in his yard.

A picture of Mr. Gordon would certainly deserve a place in this book; but his relatives say that, as far as they know, no picture of him ever existed. A grandson of Mr. Gordon, Marshall Gordon, a highly esteemed farmer, still lives in this county; and to him we are indebted for the pictures of the Gordon lawyers.

JAMES S. ROLLINS

No man in Boone county was better known than Major James S. Rollins, county official, state official, congressman, orator, lawyer, soldier in two wars and friend of education. On account of the great work that he did for the University and Agricultural College, he was



JUDGE PHILEMON BLISS

honored by the name "Father of the University of Missouri", and well did he deserve that title. No man was more gifted in oratory, and no man could please his audience better than Major Rollins; and well and often did he use his powers of persuasion.

An eyewitness to the occurrence, who is still living, tells of a time when Major Rollins defended a man in the Boone county court house in 1853, when an angry mob tried to take the prisoner from the court room. A rope was thrown around the neck of the defendant, but Major Rollins knocked two men down and cut the rope with a knife. A second rope was thrown around the neck of the defendant; and a second time this rope was cut by the fearless Rollins. The mob, which by that time had numbered several hundred, then overpowered the court, lawyers and officers, and the prisoner was taken out into the court house yard, and to the northwest part of Columbia, where an effort was made to hang him. While the poor victim was being raised up from the ground, the rope broke, as a result of having been partly cut in the court room. At this critical moment, Rollins spoke to a man named Palmer, and said, "Mr. Palmer, you are the smartest man in the state of Missouri. Now, I want you to take that prisoner and run with him to jail; you are the only man that can do it. Do it, sir, and children yet unborn will rise up and call you blessed!" Then Major Rollins mounted a stump and began to speak to the excited throng, urging them to desist in their murderous undertaking; and, while he was speaking, Palmer, who had been instructed what to do, grabbed hold of the prisoner, and ran with him in safety to the county jail, and the mob dispersed. And thus the disgraceful incidents connected with mob law were averted.

It was told by Major Rollins that the first term that the Missouri legislature was held in Jefferson City a young lawyer was elected from Boone county to the lower house, so-called, and that on the day of the opening of the session he appeared in the senate, and, when the secretary called the name of his county, he walked forward and presented his credentials. As soon as the secretary looked at the documents, he told the young lawyer that he had been elected to the other branch of the lawmaking body, and he asked where that body was in session. The secretary told him in the room below. "Well," said the young lawmaker, "I went down there, and I seen them fellows down there, and they was such a noisy set that I thought that was the bar-room."

Major Rollins was the whig nominee for United States senator in 1848, and twice the whig nominee for governor; but was defeated, once by a very small majority. While in congress, he was the author

of and advocated the bill for the building of railroads from Missouri to the Pacific Ocean, and later on President Johnson appointed him a director in the Union Pacific railroad. While in the Missouri legislature, he was the author of the bills establishing the State University, Kirksville Normal, State Hospital for Insane at St. Joseph, School for Deaf at Fulton, School of Mines at Rolla and Lincoln Institute.

At the time of the Centralia battle during the Civil War, Major Rollins and several other men were passengers in the Columbia stage, on their way to Mexico, and reached Centralia just before the shooting of twenty-two Federal soldiers by Bill Anderson's men. Several of Anderson's men met the stage as it entered Centralia, and took from the occupants all of their money and valuables. Major Rollins gave his name as Johnson, said he lived near Columbia and was a Methodist preacher. One of Anderson's men was about to take a shirt out of Rollins' carpetbag, when the latter begged so earnestly for a clean shirt to wear the following Sunday, that the man finally yielded. Fortunately, the man could not read and write; if he had had an education, which Major Rollins earnestly advocated all should possess, he could have read on the lower part of the shirt bosom, "James S. Rollins." Jas. H. Waugh, then sheriff of the county, was in the stage with Major Rollins, and some papers were taken from his pocket, which gave away his name and official character, but he told the guerilla that they were copies of his grandfather's will.

While Major Rollins served as president of the board of curators, a petition was presented to that body. Major Rollins wanted to ignore it, but some of the members thought it was of value, as it had been extensively signed. Major Rollins said, "Gentlemen, a petition amounts to almost nothing. There is Dr. H. W. Dodge, the Baptist minister in Columbia, and every one knows that he is one of the best men in town; yet I can go out on the street, and get a majority of the men of Columbia to sign a petition asking to have Dr. Dodge hanged. Some will sign it just in order to get rid of me; some will sign it because I have signed a petition for a sidewalk or road for them; and some will sign it because I trade with them."

A. W. TURNER

Hon. Archibald W. Turner was one of the early lawyers of Boone county, moving here like so many others from Madison county, Kentucky. Mr. Turner was elected a member of the lower house of the state legislature in 1836, and had much to do with framing the administration law of Missouri. He afterwards served for many years as public administrator of Boone county, settling up during that time

a number of very large and complicated estates. He was state senator at the time of the passage of the act providing for the State University in 1839, and in connection with Representatives Jas. S. Rollins and Jno. B. Gordon, performed a service of lasting value to Boone county. Then in the contest for the location of the University, Senator Turner was one of Boone county's active workers, and contributed fifteen hundred dollars.

Senator Turner was an extensive farmer and breeder of fine stock, and owned a farm out east of Columbia. He took an active part in the Boone county grange in the early 'seventies, and was secretary of the first county fair, which was given in Columbia in 1835.

Like many others in this county, Senator Turner was a whig till the beginning of the Civil war, when he became a democrat, and ever afterwards voted with that political party.

WHEN JEFF WOODS ACTED AS HORSE

Judge Burckhardt told the following, which is a good story on him as well as his brother lawyer. "It was about 1840," said the judge, "and I was a young lawyer, a bachelor, going from county-seat to county-seat, 'riding the circuit' and of course I visited Columbia, where I was usually entertained at the home of Judge Todd. Jeff Woods, a Columbia boy, was a tall, picturesque and eccentric character. He was such an athlete that if living now he would certainly be a football player. He was a favorite in society, although he had a penchant for playing jokes on acquaintances, female as well as male. During a deep snow, he engaged one of the Columbia belles to take a sleigh ride with him. This young lady, by the way, was one in whom I was considerably interested; in fact, Jeff and I were rivals. At the appointed hour late one afternoon, Jeff drove a one-horse sleigh to her father's residence, then on Broadway between Fifth and Sixth streets, and disengaging the horse from the shaves, hitched him to a fence around the corner, leaving the sleigh on the street near the front door. As soon as Jeff entered, he saw me in the parlor talking to the young lady, and he at once invited both of us to take a sleigh ride with him. After wrapping up, we took a seat in the sleigh, adjusted the buffalo robe for the ride, supposing of course that Jeff would get the horse and buckle him to the shaves. But instead of this, he jumped between the shaves himself and "played horse" by running with the sleigh and the two frightened occupants down the streets in the direction of Flat branch. He ran and galloped and

laughed with all his might, until, when near that little stream, he passed by a blacksmith shop, pretended to become frightened at the sparks then flying from the anvil, ran away with the sleigh and turned it over, buffalo robe, pretty girl, bachelor lawyer and all into a deep snow drift in the bottom of Flat branch.

"The joke was on me, and there was nothing left to do but to shake the snow off, escort the young lady home and pretend I enjoyed the joke."

CANDIDATES FOR SUPREME JUDGE

In 1851, there were three sets of candidates for judges of the supreme court, there being at that time three vacancies to fill. The whig candidates were Hamilton R. Gamble, William T. Wood and Peyton R. Hayden; the Benton democrats were Jno. F. Ryland, Philip Williams and Charles Jones; and the anti-Benton democrats were Priestly H. McBride, William B. Napton and William Scott. Six out of the nine candidates, Gamble, Hayden, Ryland, McBride, Napton and Scott, practiced in Boone county; and Judge McBride, who had already served a term on the supreme bench, then lived in Boone county. The voters of Missouri showed their independence, as well as their desire to have a court free from political control, by electing one man on each ticket, viz., Judge Gamble, Judge Ryland and Judge Scott.

JUDGE GORDON'S ADVICE

Shortly after the Civil War, an Englishman, who had been born in Ireland, moved to Boone county and visited Columbia every Saturday. He was an odd-looking individual, wore a blouse, knee trousers and a cap with brass buttons on it. He also enjoyed a drink of liquor, and one day while so enjoying himself he was arrested in Columbia for riding his horse on the sidewalk. He went in company with the marshal to see a lawyer and met Judge Jas. M. Gordon, then advanced in years, plain, sensible and unassuming, and a man who always said just what he thought. He told Judge Gordon that he had been charged with violating a city ordinance, and desired to retain a lawyer. As soon as Judge Gordon looked at the queer man with the unusual costume, he said, "You don't need a lawyer. Plead insanity, sir, and you will surely be acquitted."

Oil portraits of Judge Jas. M. Gordon and Judge Alexander Persinger were presented by their friends in the year 1870 to the county court, and they have ever since adorned the county court room. Col. Wm. F. Switzler made the presentation speech, and the court

ordered the pictures placed on the walls just over the bench (see county court record book "S" page 87). Illustrations made from those portraits may be seen in this volume.

JNO. B. CLARK

Although he was a citizen of Howard county, General Clark was well known in Boone county, and practiced here a great deal; he frequently shed tears before the jury, when arguing a difficult case. He was an officer in the Southern army, and made use of his military service in appealing to the prejudices of a Boone county jury, as will be seen by the following account of the slander case of Pulliam vs McKinney, which was tried in 1867, in the Boone circuit court.

General Guitar was attorney for Pulliam, and General Clark was attorney for the defendant, Jno. C. McKinney, who lived in the Model Farm neighborhood, near the present village of Woodlandville. In his opening argument, General Guitar criticised McKinney for slandering a poor farm tenant; and called McKinney "a lean, hungry, Cassius-looking individual"; saying that such a looking man was never as reliable as a round, plump person, such as General Guitar's client was. In reply, General Clark pathetically admitted that his client was not only lean and hungry looking, but was actually hungry; and gave as a reason that he had not had any beef to eat since General Guitar's soldiers took all of his cattle during the Civil War. But in spite of the fact that there was still a strong Southern feeling at that time in the minds of Boone county jurors, General Guitar's power of eloquence and skill as a lawyer won for his client a judgment for five hundred dollars.

General Clark was a lawyer of the old school, and often wept before juries, and often wept with juries. At one time, he was defending a man in the Boone circuit court, and of course had the defendant's wife and all of his children sitting in front of the jury. One child was a baby, and, during General Clark's speech, the youngster began to cry. He made so much noise that Judge Hall ordered the sheriff to take the child out of the court room. At this Clark broke down completely, and said: "Your honor, take the defendant's lawyer away from him, take all his friends away from him, yes, take all of his rights away from him, but for God's sake don't take his crying infant away from him." Not only did General Clark cry like a child, but nearly every one in the court room cried; and an eyewitness to the occurrence, who is still living, said it was enough to bring tears to the eyes of a bronze statute. Result: verdict of not guilty on the first ballot.

WM. A. ROBARDS

Hon. Wm. A. Robards was the only Boone county lawyer to serve as attorney general of Missouri, although two others, Odon Guitar and N. T. Gentry, were candidates for that office at different times. The attorney general then had no assistant, and he was ex officio reporter of the supreme court, and also circuit attorney of the circuit where the state capitol was located. General Robards died of the cholera in September, 1851, while living in Jefferson City, having served only a part of his term. He was first appointed adjutant general, but resigned in order to accept the appointment of attorney general. He was an able lawyer, a democrat, and made an active campaign in 1848, at the time of the election of Governor Austin A. King.

General Robards is buried in the state lot in the Woodland Cemetery at Jefferson City, and a suitable monument was erected to his memory by the state. Some of General Robards' descendants still live in this county, and one son lives in St. Louis. An effort has been made to procure a picture of the general from them, but they have lost their only picture of him.

WM. F. SWITZLER

Col. Wm. F. Switzler was the only member of the Boone county bar to be appointed secretary of state of Arkansas, which position he held for a short time during the Civil War. He also served as chief of the bureau of statistics under President Cleveland from 1885 to 1889.

Col. Switzler was three times a candidate for congress, and twice he claimed that he was elected. He made such vigorous contests that, although unsuccessful, he won for himself the title of "The Great Contester".

Col. Switzler and Col. E. C. More were candidates for the democratic nomination for congress in 1880, and they agreed to submit their claims to the people of Boone county, both to abide by the decision of the home county. In his speech in the court house, Col. More grew poetic and quoted from Shakespeare, William Tell, etc. In reply Col. Switzler said, "My opponent tells you a great deal about William Tell and William Shakespeare, but before this campaign is over he will have a great deal more to tell you about William Switzler." In that race, Switzler carried Boone county, but was defeated at the congressional convention by Jno. B. Clark, Jr., of Howard county.

Although most of his life was spent as a journalist, Col. Switzler also practiced law and did a good deal of patent, pension and land

warrant practice. Col. Switzler was also a historian, was the author of a Boone county history and a history of Missouri.

As an editor and writer, Col. Switzler (who was really not a colonel) was very accurate. So careful was he in all that he printed that when the county court once had trouble ascertaining at what term of court a certain order had been made, some one visited Colonel Switzler's office and procured a copy of the "Statesman", which showed the term at which that order was said to have been made; the court declined to look any further, saying that paper, during the administration of Colonel Switzler, was always correct.

Col. Switzler never hesitated to correct one who was in error, especially if the error was in history. A suit was tried in the Boone circuit court in 1901 and the object sought was to set aside a deed on the ground that the grantor, W. A. Baxter, an old man, was then of unsound mind. It so happened that Colonel Switzler was a witness in the case, and remained in the court room during the arguments of counsel. The plaintiffs' attorneys insisted that the deed should be set aside because the grantor must have been of unsound mind, he then being seventy-five years old. Counsel for the defendants argued that his advanced age was no proof of unsoundness of mind; that Colonel Switzler had a good mind and memory, yet he was a very old man, in fact no one knew just how old he was, as he was the only survivor of those who sailed up the Mississippi river with De Soto. Colonel Switzler spoke up and said, "That is a mistake, sir; De Soto did not sail up the Mississippi; he simply sailed across the Mississippi." From that time on, Colonel Switzler was jokingly called "De Soto."

JNO. F. STONE

Jno. F. Stone, a cousin of Senator Wm. J. Stone and of Circuit Clerk Josiah W. Stone, practiced law in Boone county for only a few years. He died in Columbia in 1846 at the age of twenty-six. Shortly before his death, he served as a member of the state constitutional convention of 1845, representing the twelfth district, composed of Audrian and Boone counties, and being the youngest man in that body. During that convention, Mr. Stone made a speech on the importance of an independent judiciary, which attracted the attention of the entire state. Jno. F. Stone, Governor Chas. H. Hardin, Dr. William Jewell and Dr. T. R. H. Smith, all members of the Jewell family and all men of state reputation, are buried in the Jewell Cemetery, two miles south of Columbia.

Mr. Stone died during the March term of the Boone circuit court, and the bar of the county for the first time had a meeting and adopted

resolutions. It was at the suggestion of James S. Rollins that such a meeting was held; and Judge Jno. D. Leland was made chairman and Francis T. Russell secretary, and the resolutions then adopted were printed in the "Missouri Statesman", and spread on the circuit court records. This custom has ever since been observed on the occasion of the death of a brother lawyer.

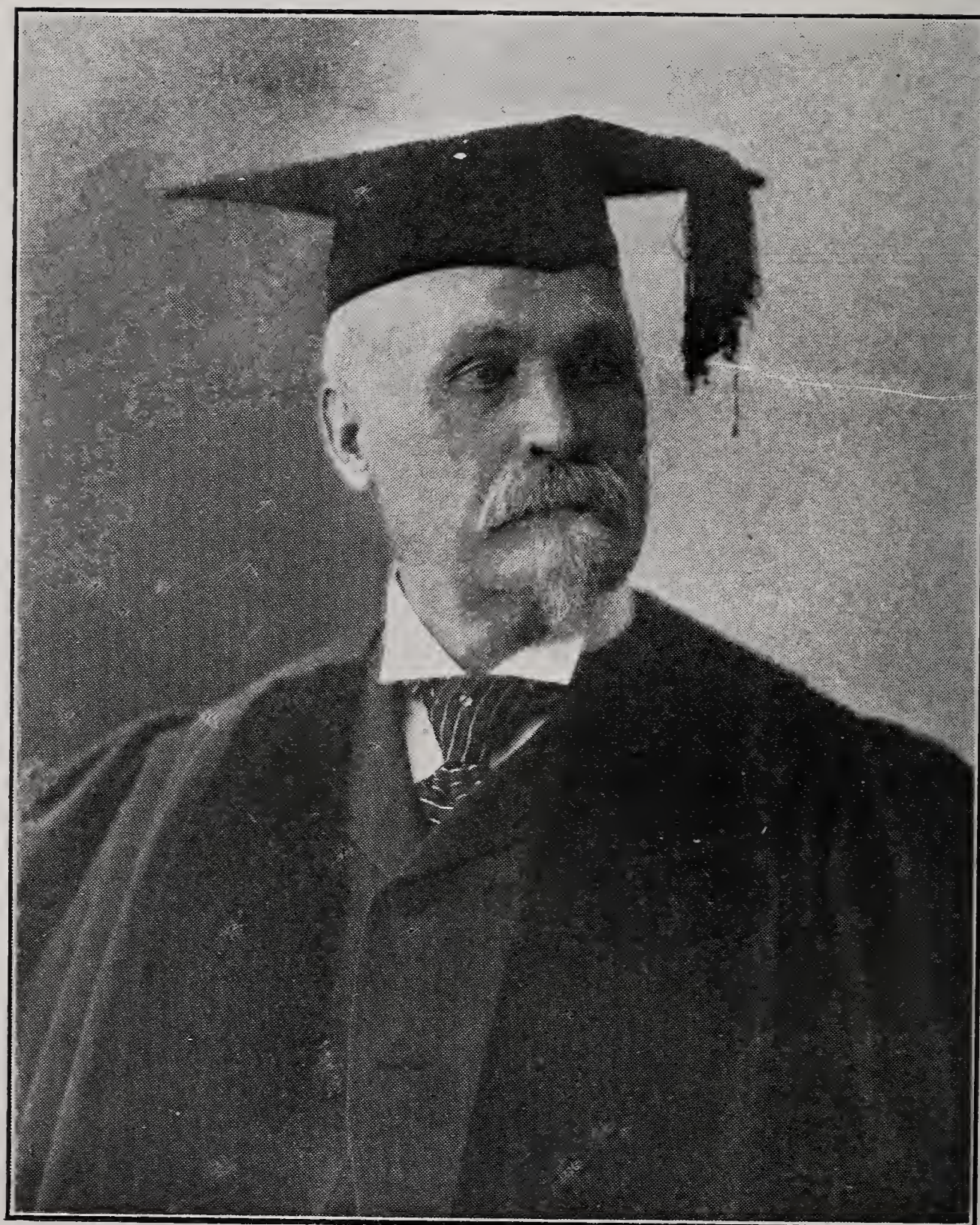
SAML. A. YOUNG

Col. Saml. A. Young, a red-headed Irishman, was not only a lawyer, but a soldier, a musician, a hunter, a dancing school master, an orator, an actor and an artist. Many are the stories that have been told about him and the parts that he took in local theatricals, given by the Thespian Society, painting the necessary stage scenery, and entertaining the crowds that attended such performances in the court house.

Mr. B. F. Venable, of Columbia, who was associated with Col. Young in many of those plays, and in other ways, tells the following story on Col. Young's fondness for sport:

Like many of the other lawyers and laymen of his day, Col. Young was fond of cockfighting. Chickens were bred with special reference to their fighting qualities; and often the spurs were cut off of the rooster and sharp pieces of steel, called gaffs, were strapped to his legs. The cock soon learned to use these deadly weapons with telling effect. Col. Young attended nearly all of the cockfights, and so did General Odon Guitar and Wax Gordon; and General Guitar had three fighting cocks that could whip any bird in Columbia township, and we all soon found it out. One morning before daylight, Young and Gordon slipped over to Guitar's house and caught Guitar's best rooster and took him to Young's barn. Then Young sent word to Guitar that he now had a cock that could whip any that Guitar had. Guitar accepted the challenge, and Gordon and some of "the boys" came over, a ring was formed and that rooster did whip both of the two that Guitar had. Being greatly annoyed at the defeat of his prize fighters, General Guitar said, "Some son-of-a-gun has stolen my best rooster; but I will bet you five dollars if I can find him, he will whip your old rooster in five seconds."

Dr. William Provines, a Columbia physician, sued Col. Young for a medical bill, and Young claimed that the charges were excessive. While the plaintiff was on the stand, Col. Young asked him if he had a good horse, and how long it would take to saddle his horse and get to the defendant's house. The plaintiff replied that he had a good horse,



JUDGE ALEXANDER MARTIN

and that he could saddle him and ride to the defendant's house in about twelve minutes. "All right," said Col. Young, "I am glad to know it, because when I send for you next time, I will be pretty sick."

ODON GUITAR

One of the best known Boone county lawyers was General Odon Guitar, and known far and wide as a lawyer who could speak, entertain and convince. No man had more endurance, and no man would work harder for a friend or client than General Guitar; every one knew that he would do his duty, and his whole duty.

During the Civil War, General Guitar was stationed at Jefferson City, and it became necessary for him to come to Columbia, to attend circuit court. Citizens of Jefferson City advised him not to try to cross the Missouri river at that time, but he believed it was his duty to do so. He arranged for some friends to bring a horse for him to a point on the north side of the river, at a certain hour in the afternoon, where he expected to cross. The weather had been cold, and the river had been frozen, but the ice was beginning to break up, the most dangerous of all times. With no one to guide him but two small boys, and no assistance save that of a long pole, General Guitar made the attempt. The ice broke three times with him, and he was washed some distance down the treacherous stream, but finally made a leap, jumped to solid ice, and reached the shore in safety. In the meantime, darkness had come on, and General Guitar found himself on the Callaway side, some distance from where his friends were expecting to meet him. He was cold, wet and exhausted. After waiting in the cold till they deemed it unwise to wait any longer, his friends had gone to a place of safety; and General Guitar was in an enemy's country, thirty miles from home. He walked to a farm house, bought a horse and rode to Columbia by himself that night, reaching the town in time for the opening court the next morning.

General Guitar once introduced his friend Judge Jas. B. Gantt, of the supreme court, as one of the speakers at the old settlers' meeting in Boone county. General Guitar said that when he was a young lawyer, he had a case pending before the supreme court, and it took the court a long time to decide it, after it had been submitted. He ventured to ask one of the judges what was causing the delay, and the answer was, "We are just waiting to decide a case, so we will have a precedent to follow."

General Guitar crossed the plains in 1849, and, while in California, learned many Western expressions which remained with him as long

as he lived. One of them was this: "The game won't pay for the candle." And he used that and similar expressions, often with effect.

Jno. C. Schwabe tells the following about General Guitar, and one of his clients: General Guitar defended a man from Cedar township for murder, and, as usual, he cleared him. Some months after, the General gave me a note, secured by a chattel mortgage on some live stock, farming implements and machinery, which had been executed to him, to secure his fee. I should also state that the defense interposed was insanity, the only defense left him. The general insisted that I go to see his former client, and collect the note; and I went down there on a very cold day. I saw the gentleman, introduced myself, and told him that I had a note that had been given me to collect; and incidentally reminded him that the note was secured by a chattel mortgage. He said, "Yes, I know all about it; but I am not going to pay a cent, because I don't have to." When I asked him what he meant, he replied that he had consulted with the best lawyer in Missouri, and that that lawyer had said that he was not responsible, being insane. When I asked him to tell me the name of the lawyer, he said it was General Guitar, who had cleared him on the ground of insanity. I returned to Columbia, met General Guitar in the county court room and told him that I had failed to realize on his note and chattel mortgage. When I told the general all that his former client had said, he took the note and chattel mortgage and put them in the stove, saying, "I was a dam fool for defending such a rascal without the cash."

General Guitar told the following of his experience during the Civil War: "I learned of a number of men in and around Sturgeon, who desired to join the Union army, so I went to Sturgeon to enroll them, and found eighty young men. I had given orders for a supply of guns, ammunition and blankets to be sent to Sturgeon from the government headquarters at St. Louis. To my surprise, nothing of the kind was there, and I could not get any message from the quartermaster's office. Of course, our country was not prepared for war, and there was as much confusion at the beginning of the Civil War as there was at the beginning of the Spanish-American War. My men were therefore at the mercy of the Southern soldiers and guerillas, and there were plenty of them in Boone and adjoining counties. After making several efforts to get word from St. Louis, I determined to go there myself, and secure the needed supplies. The passenger train on the North Missouri railroad was due, but when I went to the depot, I learned that it had been ditched several miles west of Sturgeon. While waiting there, a freight train pulled out, so I boarded it, and

started to St. Louis. It seemed to me that that old freight made poorer time than any I had been on before or since; and when we got to Mexico, the caboose broke down, and had to be abandoned. The train was loaded with hogs, and the night was intensely cold, so there was nothing left for me to do except to get into one of the cars with the hogs. I did so, and the hogs proved to be very hospitable and friendly on that awful night; they kept me reasonably warm, and I suppose I helped warm them. I rode with them to St. Charles, where I got another way of riding to St. Louis. There, I found that my order for supplies had been sidetracked, but it was hurried at once to Sturgeon, and my boys were saved."

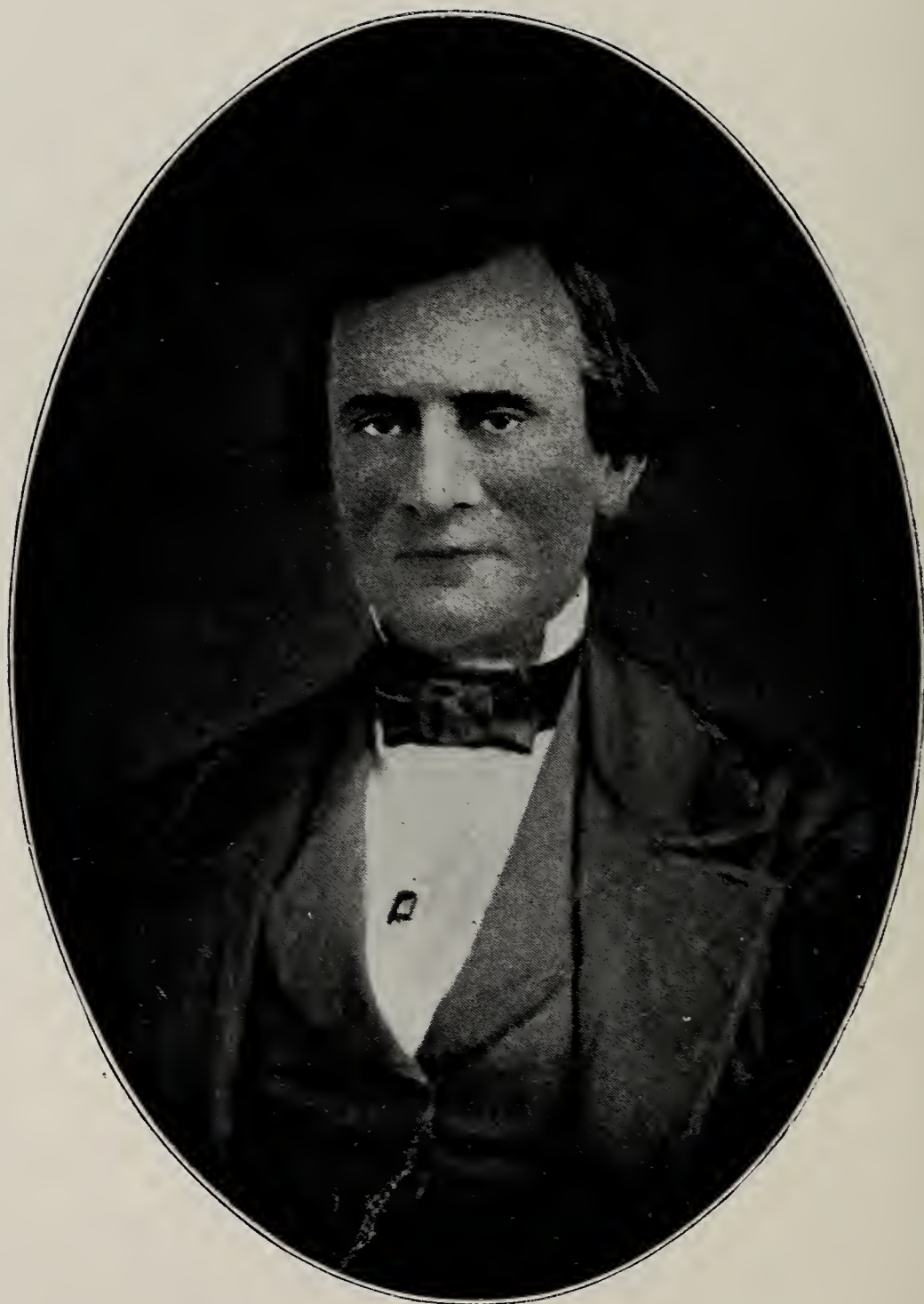
In his speeches, General Guitar frequently made statements that were unusual and seemed radical, but when analyzed proved true. Once he said, "There are a great many men in the penitentiary who are a great deal better than a great many men outside of the penitentiary. Those poor fellows had their temptation, and proved unequal to the same. What you and I would do if the same or a different temptation should suddenly present itself to us, the Almighty alone can tell."

After a sensational divorce case, in which General Guitar represented the wife, a divorce was granted her, and alimony allowed her. Then she and her former husband remarried. On learning that fact, General Guitar exclaimed, "There is no telling what a man will do, nor what a woman won't do! There's nothing in the world as big a fool as a man over a woman, except a woman over a man!"

About twenty years ago, General Guitar represented a lady in a divorce suit, and she claimed that her husband had been guilty of various indignities, one of which was rather unusual. It was said that, while the wife was at home sick, her mother met the husband in Columbia, and gave him some wine to take to the sick wife, but that the husband drank all of the wine, and then talked ugly about it. The evidence on that subject was sufficiently strong to cause the husband to take the stand and deny that he drank the wine, although he admitted that the wine disappeared, "perhaps it shrank materially". General Guitar was not at all satisfied with this explanation, so he asked the husband to tell all he knew about that wine; and the husband started in to tell, then he hesitated, and the general urged him on. He then said that he got the jug of wine while in his wagon in front of a grocery store in Columbia, that he went into the store, and all he knew about it was what his little boy told him when he came out. The general demanded to know what the boy said. "He said," replied the husband, "that a man came along there named General Guitar, who drank it up."

In 1896, a case was brought from Callaway county to Boone county, and it proved to be an unusual one. A saloonkeeper named Nichols had died in Fulton, after he and his wife had resided there for nineteen years. Nichols left thirty thousand dollars, and in a few weeks, a lady from Indiana appeared, said she had been lawfully married to him and had never been divorced. After it was ascertained that her claim was correct, and that she and her daughter were entitled to his property, the second Mrs. Nichols brought suit for the services that she had rendered the Fulton saloonkeeper during the nineteen years of their cohabitation. This case against the Nichols estate was sent to Boone county on change of venue. After the suit had been filed, an Indiana lawyer named Fugate appeared in Fulton, and, in the absence of her attorneys, obtained a written statement and release from the second Mrs. Nichols, and obtained the same by improper methods, so it was claimed. This lawyer did not make a good impression, either as an attorney or as a witness; and in his argument he was specially abusive of the second Mrs. Nichols. In reply, General Guitar got after the Indiana lawyer, thus: "Eighteen hundred years ago, the Savior of the world was here on earth, and an erring woman was brought to him, and he was asked what punishment should be administered to her. One of her accusers was a lawyer—maybe his name was Fugate. Instead of abusing her, the Savior stooped down and wrote in the sand. And when he suggested that the one without sin should cast the first stone, this lawyer, and all of his self-righteous associates, saw the inconsistency of their positions and fled, like Fugate will flee after the verdict of this jury is announced." The jury decided in favor of General Guitar's client for eleven thousand dollars.

Like many other old lawyers, General Guitar was the soul of honor. He was always fair to the court and fair to the jury; and he always wanted his client to be fair to him. In 1894, he was employed by the defendant in a case brought by Schloss Brothers, wholesale clothing men of Baltimore, against a retail clothing dealer of Centralia. All of the parties were Jews. The plaintiffs ran an attachment on Sunday, and took possession of defendant's store in great haste, alleging that the defendant was about to fraudulently dispose of his property and effects, with intent to hinder and delay his creditors. Evidently, General Guitar was mislead as to the facts for he seemed confident that the plaintiffs' attachment would be dissolved. After making formal proof of the correctness of the account sued on, plaintiffs placed a Jewess on the stand, and she testified that she lived in Baltimore and knew the defendant well. She said that he had promised to leave his family, dispose of his stock of goods and run off with



CAPTAIN SINCLAIR KIRTLEY

her to Australia. He wrote her of his efforts to sell his stock, but that he had failed to do so; but told her that he would burn his goods, collect his insurance and then go with her to Australia. General Guitar smiled as the lady told her remarkable story; and then he began to question her as to who was present when defendant made these promises. After bringing out that no one was present, and that the defendant also wrote letters to her to the same effect, he said: "Well, madam, I suppose you came all the way out here to testify in this case, and forgot and left those interesting letters in Baltimore?" The lady quickly said, "No, sir; here are the letters I received from the defendant." After reading two of them, and especially after his client admitted that he wrote them, General Guitar arose in court and said: "Well, your honor, I have practiced law long enough to know when I am beat. I will withdraw from this case." And he buttoned up his coat and left the court room, walking on his heels. The case was settled by the parties in less than half an hour, and the Baltimore gentlemen went home rejoicing.

As he neared the evening of life, General Guitar visited the court room in the old court house and told the following: "When I come into this court room, I am reminded of an incident that occurred when I crossed the plains in 1849, on my way to California. I saw many herds of buffaloes, and always noticed that perhaps a half dozen of them stayed off a little distance from the rest of the herd. I asked the man who was piloting us across the plains, and he told me that they were 'horned-off bulls.' So, when I come to the court house now days, and see the young lawyers, Hinton, Gentry, Conley and others attending to the legal business, I realize that I am one of the 'horned-off bulls.' "

A. L. VANDIVER

Capt. A. L. Vandiver was the only lawyer who lived in or near Burlington, which was an old river town. He understood justice of the peace practice, as the following illustrates. It seems that three school directors had a misunderstanding with a school-teacher, and wanted his license revoked by the county superintendent. They even accused him of embezzling some school money. At once the teacher employed Vandiver to bring suit against the directors for slander, and he did so, in the justice's court. The questions of jurisdiction or amount involved made no difference to either Attorney Vandiver or Justice John Ellis; the suit was filed and served. The defendants, without seeking legal advice, hunted up Vandiver, and compromised the case.

Mr. Vandiver said that one of those directors never signed any paper after that, without looking carefully to see if there was anything in it about "bezel".

BOYLE GORDON

Judge Boyle Gordon was one of Boone county's best lawyers, although quiet and retiring in disposition, and even shrinking from public view. General Guitar, a partner of Judge Gordon, said that no lawyer that he ever met could make a better or a more logical argument, and no man was more thoroughly acquainted with the law in all of its branches than Boyle Gordon. At the close of the Civil War, there was much litigation over county and township bond issues, and Judge Gordon was considered authority on such matters.

As an adviser for himself, however, Judge Gordon was not so successful. A gentleman from a distance visited Columbia and Judge Gordon and others subscribed for stock in an insurance company, which afterwards proved to be an insolvent concern. To the surprise of these Boone county people, the United State marshal visited them and they were notified of a suit against them by the receiver of the insurance company. Judge Gordon at once advised his friends to retain a lawyer to defend the case in the United States court, and declined to be attorney for himself, saying "A man who is his own attorney has a fool for a client." A St. Louis lawyer was retained, and he negotiated a compromise with the receiver.

During August, 1864, General Sterling Price was coming north in Missouri and reached as far as Jefferson City, and numerous bands of "bushwackers" were in different parts of the county, so the banks and express companies declined to receive any money. Judge Gordon represented various Philadelphia wholesale houses and collected five thousand dollars from persons in Columbia, which he intended remitting to his clients. Owing to the refusal of the banks and express companies to receive money, Judge Gordon was compelled to keep this sum and carry it around for about one month. He took it to his home, just southeast of Columbia, and every night slept out in the woods on the Hinkson bluffs, with his valuable package; and twice he saw bushwhackers in the distance. Judge Gordon was one of the happiest of men when he was able to send this money to Philadelphia; and perhaps his clients were pleased at receiving the same.

Judge Gordon often told that he learned to practice law by riding a mule around over the county to where a case was to be tried before a justice of the peace. Later, when he began the practice, he would take his saddle bags, put two law books in one saddle pocket, and the

feed for his mule in the other saddle pocket, and carry his lunch in his coat pocket, and go to the justice of the peace courts.

Judge Gordon advised young lawyers to take receipts for money paid out, and carefully preserve them. Once he collected three thousand dollars from a Boone county debtor, and shortly afterwards paid the money, less his charges, to a member of the firm of lawyers from whom the collection came. The member of the firm to whom Mr. Gordon paid the money died not long after; and this was before the days of banks in Columbia, so cancelled checks were not to be had. The surviving law partner soon visited Columbia and called on Judge Gordon for the three thousand dollars; and, in telling of the incident, Judge Gordon said, "I spent one whole night looking for that receipt, and found it just about day-break the next morning."

Judge R. F. Walker, now of the Missouri supreme court, says that while Judge Gordon taught in the University Law School, two law students engaged in a fist fight in the law library; and Judge Gordon quietly picked up his hat and left the room. When some one asked him what he was going to have done with them, he said: "Nothing; I presume when young men are old enough to go to the law school, they have sense enough to know what they are there for; and if they have not, they will have to lose by it."

JAS. R. SHIELDS

Although he was a good justice and a good lawyer, Jas. R. Shields was not a success as a sign painter. He had an office in the second story over the Exchange National Bank, and at least once in his life had a spell of economy. He wanted a sign painted on his office window, and preferred not to pay a painter to put it there. So he procured a cup of paint of the desired color, also a suitable paint brush, and began the task. He noticed one person after another stopped on Broadway, in front of his office and looked at him, and seemed interested in the formation of each letter. He supposed at first that they were admiring his artistic work. But finally he noticed them laughing, and could not help suspecting that they were laughing at him. So he concluded he would go down on the street and see if they failed to appreciate his effort. Just before leaving his office, he looked at the window, and the sign read as follows:

JAS. R. SHIELDS
LAWYER

As he walked across the street, he looked back, and the sign read as follows:

JAS. R. SHIELDS

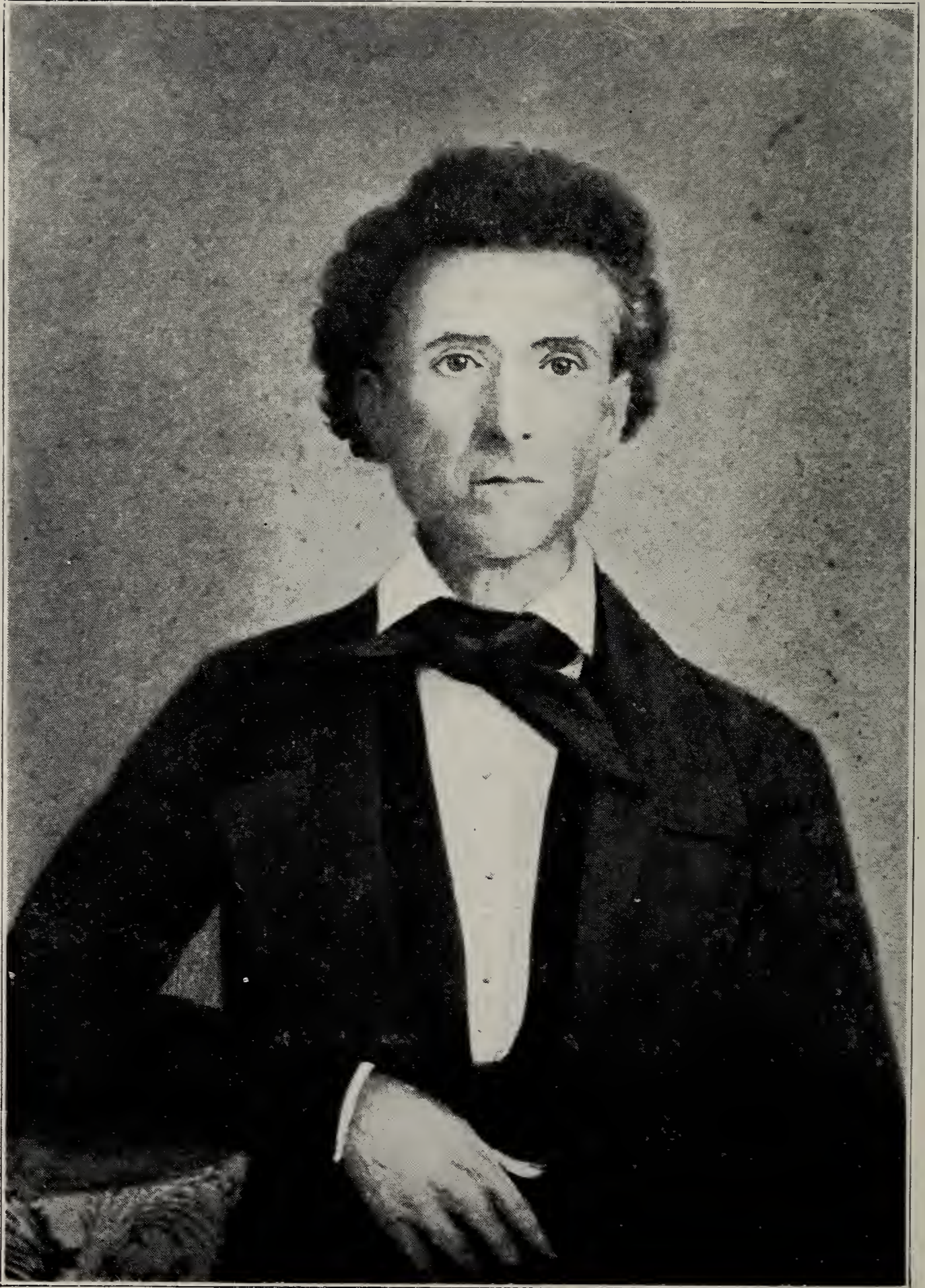
LAWYER

Col. Shields returned at full speed to his office, and, catching up an old towel, he hastily wiped the freshly painted letters off of the window pane, and begged the boys not to tell it on him.

ANDREW J. HARBINSON

Major A. J. Harbinson was a lawyer without briefs, without books and without a law office; but he had an extensive practice, due to his native wit and his thorough understanding of men of that time. He represented a defendant in a suit before John Bowman, J. P., of Missouri township, and his actions in that case illustrate his shrewdness. The case was tried at that well-known temple of justice, Strawn's schoolhouse, which is situated east of Perche Creek on the Columbia and Rocheport gravel road. For some misconduct, the justice fined Harbinson five dollars for contempt of court. He arose to his feet and said, "Well, your honor, you are a justice of the peace and get your commission from the county court; but I am a notary public and get my commission from the governor. I will therefore fine you ten dollars." The justice apologetically replied, "I beg your pardon, Major Harbinson, I did not know you were a notary public. Of course, I will remit the fine."

Shortly after the Boone County & Jefferson City Railroad (now the Columbia branch of the Wabash) was built, Mr. Wellington Gordon was employed as its local attorney, which position he held till his death in 1908. The roadbed being new and rough, the train frequently jumped the track. Mr. Gordon and Maj. A. J. Harbinson were going to Hallsville one day to try a case before Hugh M. Hall, J. P., it being a personal injury case, the plaintiff having been injured by the train being ditched near Hallsville. The weather was cold, and the old method of heating a car was by a coal stove in the either end. At this time, only one stove had fire in it, and Maj. Harbinson and Mr. Gordon were seated near it. At the same place, near Hallsville the train again jumped the track, and the passenger car fell over on its side. Maj. Harbinson and Mr. Gordon were so close to the hot stove that they ran a foot race to the other end of the car; and, in running, they tramped out every window glass on that side of the car. Both lawyers had to walk to Hallsville, and, while neither one was injured, their shoes and clothing were badly cut on the broken glass. After such an experience, Mr. Gordon did not care to try the damage



ARCHIBALD W. TURNER

suit, so the railroad company paid the plaintiff, who, in addition to other advantages, was a woman. Mr. Gordon said that he did not want to hear Major Harbinson's speech that day.

Major Harbinson, when necessary, could pettifog as well as any living man; and he often gained cases by the use of such tactics. He represented a man who had been sued by Captain H. C. Pierce, and the trial came off before a justice of the peace in Perche township. The justice required all of the plaintiff's witnesses to be sworn before the introduction of any evidence. When some eight or ten of them stood up, Harbinson objected for the reason that none of them had been subpoenaed; this he said was against public policy and deprived the justice and constable of legitimate fees. The justice sustained the objection; and the plaintiff alone was permitted to testify. When about the same number of witnesses stood up to be sworn in behalf of the defendant, Captain Pierce asked if they had been subpoenaed, and all replied that they had. Then Pierce asked if any of them had formed or expressed an opinion about the case, and all admitted that they had. Pierce objected, for the reason that his client was entitled to have none but fair and disinterested witnesses to testify against him; and his objection was sustained. As the plaintiff out swore the defendant, the justice decided in favor of the plaintiff.

Mr. E. W. Stephens says that about 1865 he saw Major Harbinson engage in a fight in the court room with a woman; but that the woman did most of the fighting. It seems that the lady took offense at some remark made by Harbinson, and rushed at him and began to strike him with her fists. Harbinson defended himself as best he could; and, in the scrimmage, both of them fell to the floor, and the lady's hoops dropped off. As soon as the court officials separated the belligerents, Major Harbinson picked up that old style article of feminine apparel and said, "Your Honor, I offer this in evidence."

F. F. C. TRIPLETT

One of the most scholarly men of the Boone county bar was Captain F. F. C. Triplett, who was called "Old Trip" by close friends. Although a good lawyer and a student of politics, Captain Triplett was not a financier, and often said, "A man cannot eat his cake and have it too; so I propose to eat mine."

At the first election for probate judge, which was in 1872, there were four candidates, Colonel John Hinton, as he then was called, Captain F. F. C. Triplett, Captain Henry N. Cook and Judge James A. Henderson. Two of them Hinton and Triplett, were Virginians,

and they started their campaign with speaking in the court house. Captain Triplett, in his opening remarks, admitted that Colonel Hinton was a suitable man for any clerical or business position; but he insisted that a lawyer was needed to "hold the probate judgeship". Judge Hinton replied by telling a story that occurred in the "Old Dominion" at a horse race. It seems that one man, a Mr. Jackson, became excited and offered to bet one thousand dollars on the "little bay mare". Another gentleman accepted the bet, and the question arose as to who should hold the stakes. Mr. Jackson suggested that his friend Captain Triplett was a suitable man to hold the stakes, when the other gentleman replied, "Lord, Lord! Who will hold Captain Triplett?"

Years after, being disgusted with politics, Captain Triplett said, "The mendicancy for public office is disgusting. Why, sir, if a new position should be established in the Fiji islands, I feel certain that at least three or four Boone county democrats would at once come to the conclusion that each one was well qualified for the place."

WELLINGTON GORDON

Wellington Gordon, universally known as "Wax" Gordon, was a lawyer in Boone county for many years, and a gentleman universally respected and admired by all. He died in 1908. Although he was a good lawyer and man of sterling integrity, Mr. Gordon was not a student of the Bible, as will be shown by the following which General Guitar told on himself and on Mr. Gordon.

"We were trying a case before James R. Shields, a justice of the peace, and were using every effort to win, so Mr. Gordon resorted to a scriptural quotation. I insisted that he did not quote the passage correctly, but he insisted that he did; and, after some discussion, I offered to bet a new hat that he could not correctly quote the first line of the Lord's prayer. The bet was accepted, and Mr. Gordon began, 'Now I lay me down to sleep.'"

It should also be added that General Guitar was so amazed at such familiarity with the Bible that he said, "Well, I didn't think you could do it." And Mr. Gordon got the new hat.

Mr. Gordon was a vigorous speaker, and when he warmed up to his subject, he spoke loud enough to be heard all around the court house. One day when he was addressing the court, in his usual loud tone of voice, E. M. Bass and Arch Bedford prepared a telegram, addressed it to Wellington Gordon and gave it to him in court. Mr. Gordon asked the court to excuse him a moment, thinking that he had

a message of importance, and read it. It was as follows: "We were passing through Centralia on the Wabash train, heard your speech and enjoyed it."

Like many of the Gordons, Mr. Gordon was fond of a good dog. Knowing of this weakness, a man who had owed him a fee for a long time came to see him, and offered to settle up by giving him an extra good hunting dog. Mr. Gordon was glad of the chance; and he was even willing to pay ten dollars difference, in order to collect his fee and get such a valuable addition to his farm. The next day, a negro called and claimed that the canine had been stolen from him. Mr. Gordon declined to give up the dog, a replevin suit followed, the negro proved ownership of the animal, and judgment was rendered against Mr. Gordon for possession and five dollars damages.

Mr. Gordon was a kind-hearted man, and often allowed himself to be imposed upon by persons who sought his advice, but paid nothing. One young man, said to have been a University law student, visited Mr. Gordon's office and told him of a suit that had been brought against the young man's father, and said the father wanted to retain Mr. Gordon. He said it was a land case, discussed it in all of its details and made it out an important piece of litigation. Then the young man wanted Mr. Gordon to cash a check for ten dollars, which he did. Mr. Gordon's language regarding the matter was this: "By John, I never got a look at the young man again, don't believe he had any daddie and know he never had any law suit nor any cash in bank."

In 1897, John Hunt was convicted in the Boone circuit court of murder in the first degree. Mr. Wellington Gordon was interviewed by a representative of the "Columbia Herald", and stated that that was the first man who had been convicted of first degree murder since 1874, when he prosecuted an Irishman for murdering a woman near Centralia. In connection with this interview, there was a picture of Mr. Gordon in the "Columbia Herald". In the course of a few days, one of the St. Louis newspapers published an account of the conviction in Boone county, and also had this picture of Mr. Gordon and stated that he was the man who had been convicted and sentenced to be hanged.

CHARLES W. GORDON

Not only can Boone county boast of having had a German lawyer, an Irish lawyer, a Canadian lawyer, a Japanese lawyer, but also of having had a lawyer who was blind from his early infancy, Charles W. Gordon. As stated elsewhere, Mr. Gordon belonged to the extensive Gordon family, and lived in Columbia most of his life. He read law

in the office of his brother, Hon. Jno. B. Gordon, also in the office of Genl. Odon Guitar, and was the owner of a copy of Blackstone, which was printed with raised letters, suitable for a blind person to use. Mr. Gordon, like all the rest of his lawyer kinsmen, was a fine speaker, and was much interested in his profession. Jas. W. Gordon, Dr. J. E. Jordan and other of his descendants still live in Columbia.

Mr. Gordon was specially fond of fishing and hunting, fox hunting and coon hunting, and it is said that he enjoyed hearing the dogs have a fight with a coon fully as much as his associates enjoyed seeing the fight. Mr. Gordon's sense of touch and smell were very acute; he could select an ash tree suitable for making boards, and could recognize many of his own articles of wearing apparel, his hat, shoes and gloves by smelling them. He was a great fiddler and played at as many dances in Columbia and Boone county as any man of his day.

The last time Mr. Gordon appeared in court was to defend a man charged with horse stealing; and he succeeded in acquitting his client. Mr. Gordon was thoroughly convinced that his client ought to have been convicted, so he gave up the practice of law.

Mr. Gordon was twice a candidate for representative, and he campaigned Boone county on horseback; but he lacked a few votes of election.

SQUIRE TURNER

Col. Squire Turner was one of the most scholarly lawyers at the Boone county bar, and was able to make not only a logical speech, but one that possessed literary merit. Often his speeches contained a bit of sarcasm, due no doubt to his great zeal in his client's cause.

Col. Turner was quick to think and often turned the scales in favor of his client, in the midst of a trial. He brought suit on a note in the Boone circuit court, and the defendant claimed that he had made a large payment on the note, leaving only a small balance due. The defendant actually produced a receipt signed by the payee of the note, who by the way had died, and the signature did look like it was genuine. After two or three witnesses testified that the name signed to that paper was the signature of the deceased, Col. Turner held the paper up between him and the light, and saw that the water mark on the paper was dated two years after the receipt was dated.

Judge Burckhardt once asked Col. Turner if he represented a certain defendant, then in jail; and the reply was, "Well, sir, I have been spoken to by the defendant, but not intelligently spoken to."

A gentleman met Col. Turner on the street, and asked what the law was on a certain question. After receiving an answer, the gentle-

man said that he had spoken to three lawyers on the street that morning, and received a different answer from each one. When asked if he had paid them for their advice, the gentleman admitted that he had not. Col. Turner then said, "Well, you give them ten dollars apiece, and they will get together d—— quick."

Col. Turner was such a polished writer that he was often selected to draft memorials, on the death of lawyers and judges; and his papers were so well written that no one ever offered any suggestions or made any changes. He wrote the bar resolutions on the occasion of the death of Judge Burckhardt, Judge Hockaday and Major Rollins.

Col. Turner once heard the court and a certain lawyer in an argument over the decision that the court had just rendered, when the colonel said, "I think there ought to be a rule of this court to the effect that there shall be no post mortem arguments."

During the Civil War, Col. Turner was a strong sympathizer with the South and so pronounced was he in his views that the federal authorities banished him to Indiana, where he remained for some time. On account of the influence of Maj. Jas. S. Rollins, who was Col. Turner's personal friend, although they differed politically, Col. Turner was released and allowed to return to Boone county. On the occasion of the bar meeting just after the death of Major Rollins, Col. Turner paid an eloquent tribute to the memory of Rollins and spoke feelingly of the above incident.

Col. Turner once represented a lady who sued the North Missouri railroad for damages, on account of a fall that she received at Sturgeon, while endeavoring to get off a passenger train, the train being started suddenly before she had time to alight. The train men, one after another, testified that the train was stopped at Sturgeon on this occasion much longer than the usual time; and that this was due to the large amount of express that was unloaded that day at that station. The defendant closed its case late in the afternoon; and, thinking that there was reason to suspect something, Col. Turner asked Judge Burckhardt to continue the case till the next morning, which was done. Then Col. Turner had a subpoena issued, sent to Sturgeon and served on the express agent that night. The next morning, the agent was in Columbia with his books, and they showed that no express packages were received from that train. Col. Turner's speech in that case was unusually interesting.

As before stated, Col. Turner was an eloquent speaker, and he had a fine command of language. On the evening of the death of President Garfield, Col. Turner made a speech to a meeting of Columbia citizens, assembled in the old court house. Mr. Robt. L. Todd

also spoke at that meeting, and both speeches were considered good by all who heard them. Without any report of that meeting being telegraphed to St. Louis or elsewhere, the speech of Col. Turner appeared the next morning, in the form of an editorial in the "St. Louis Republican," now the "St. Louis Republic," and the speech of Mr. Todd appeared the next morning, in the form of an editorial in the "St. Louis Globe-Democrat." How that happened, no one ever knew.

Col. Turner was the author of some strong as well as some novel expressions. He had a great contempt for a sham, especially one who, under the guise of religion, did a mean act. In speaking of such a man, who had testified against his client, Col. Turner said, "He swore all the way from Dan to Beersheba. That fellow does a whole lot of meanness, but he does it all in the name of the Lord."

Col. Turner's given name was rather unusual, especially for a lawyer, and men as well as women were guilty of mistakes regarding it, and he grew sensitive about it. Perhaps the most amusing error committed was by Hon. T. A. Gill, for a number of years Judge of the Kansas City Court of Appeals. Judge Gill told the following:

While I was on the bench, Col. Turner was making an argument and I was much interested in it. Of course I knew his name and knew that he had a title, but I was thinking about what he was saying, and wanted to be certain that I understood him. So I said, "Do I understand you to say that so and so is the law, Squire?" As soon as I said that, I saw that I had made a blunder, but concluded that it was best not to interrupt him any further. During the noon recess, Col. Turner was asking Judge Jackson L. Smith about the number of years the different judges had to serve and when Judge Smith told him that I had ten years more to serve, Col. Turner said, "Well, by gad, sir, I thought he talked like a ten-year judge."

Col. Turner and Jas. M. Proctor were candidates for the Democratic nomination for state senator in 1884, and Proctor was successful; but a change of fourteen votes in Rocky Fork township would have turned the scales in favor of Col. Turner. After the death of Judge Hockaday in 1903, Col. Turner was endorsed by the Boone county bar for circuit judge, and a delegation of his fellow citizens visited Governor Dockery and urged his appointment. Col. Turner was also a candidate for Congress, but withdrew before the primary election.

JNO. M. SAMUEL

While Jno. M. Samuel was not an active practitioner of law, yet as sheriff, collector, treasurer and clerk of the circuit court, he was a familiar character in and around the Boone county court house for

many years. Mr. Samuel was the best known member of the bar, and for a long time exerted more political influence than any man in the county. His ready wit made him interesting in any company, and he was rarely surpassed.

One winter, Mr. Samuel and some other lawyers were spending a month at Hot Springs, Arkansas, and as usual Mr. Samuel entertained the crowd. Like nearly every other health resort, the visitors at Hot Springs got well acquainted with each other, and soon every one knew all about every one else. But one gentleman was an exception; he was tall and dignified, wore a stove pipe hat and carried a cane. On account of his distant manner, no one knew how to get acquainted with him, and no one seemed able to find out a thing about him. Mr. Samuel said that he had never seen a man that he was afraid to tackle; so he would try him. Just after dinner one day, as the dignified gentleman was walking down from the hotel, Mr. Samuel met him, held out his hand and said "How are you Bill?" The gentleman looked amazed, and stepped back; when Mr. Samuel assured him that he had seen him some where. The gentleman said, "It is quite likely, sir; I have been the warden of three penitentiaries."

In the campaign of 1880, Mr. Samuel was a candidate for county treasurer, but was shrewd enough to see that his chances were doubtful. It was told that Mr. Samuel, who lived in Columbia, belonged to the "Columbia clique", and to some people that argument was sufficient. At Rocheport, however, his opponent said that Samuel belonged to the "Columbia ring", and Mr. Samuel saw his opportunity. He replied by saying, "Yes, fellow citizens, we have lots of rings in Columbia; there is the court house ring, the University ring, the whisky ring, and the anvils ring. The boys play marbles in a ring, the race horses trot around the ring, the cooks ring the chickens' necks and then ring the dinner bell. On Sunday morning, the church bells ring; and the ladies, God bless them, wear rings on their fingers. And in time of conflagration the fire bells ring. Yes, if you will go out at night, in that awful town of Columbia, you will see that the moon has a ring, and also see a ring around the raccoon's tail."

This Rocheport speech resulted in the re-election of Mr. Samuel by a small majority.

INTERESTING LETTER

In 1885, Col. Wm. F. Switzler (then editor of the "Missouri Statesman") wanted President Cleveland to appoint him chief of the bureau of statistics, Col. E. C. More wanted to be appointed minister to France, Col. C. T. Worley wanted to be appointed United States

marshal, Jno. M. Samuel wanted to be appointed United States collector and Col. Eli Hodge wanted to be appointed postmaster at Columbia. These gentlemen visited Washington, D. C., about March 1, 1885, and attended the inaugural of the President, and the title of the "Columbia Colonels" was given them. Mr. Samuel was the author of the expression, "What are we here for?" While in Washington, Mr. Samuel wrote a letter to Robt. L. Todd, which is typical of Mr. Samuel. It must be remembered that Mr. Samuel and Mr. Todd, although they differed politically, were warm personal and business friends. The letter is as follows:

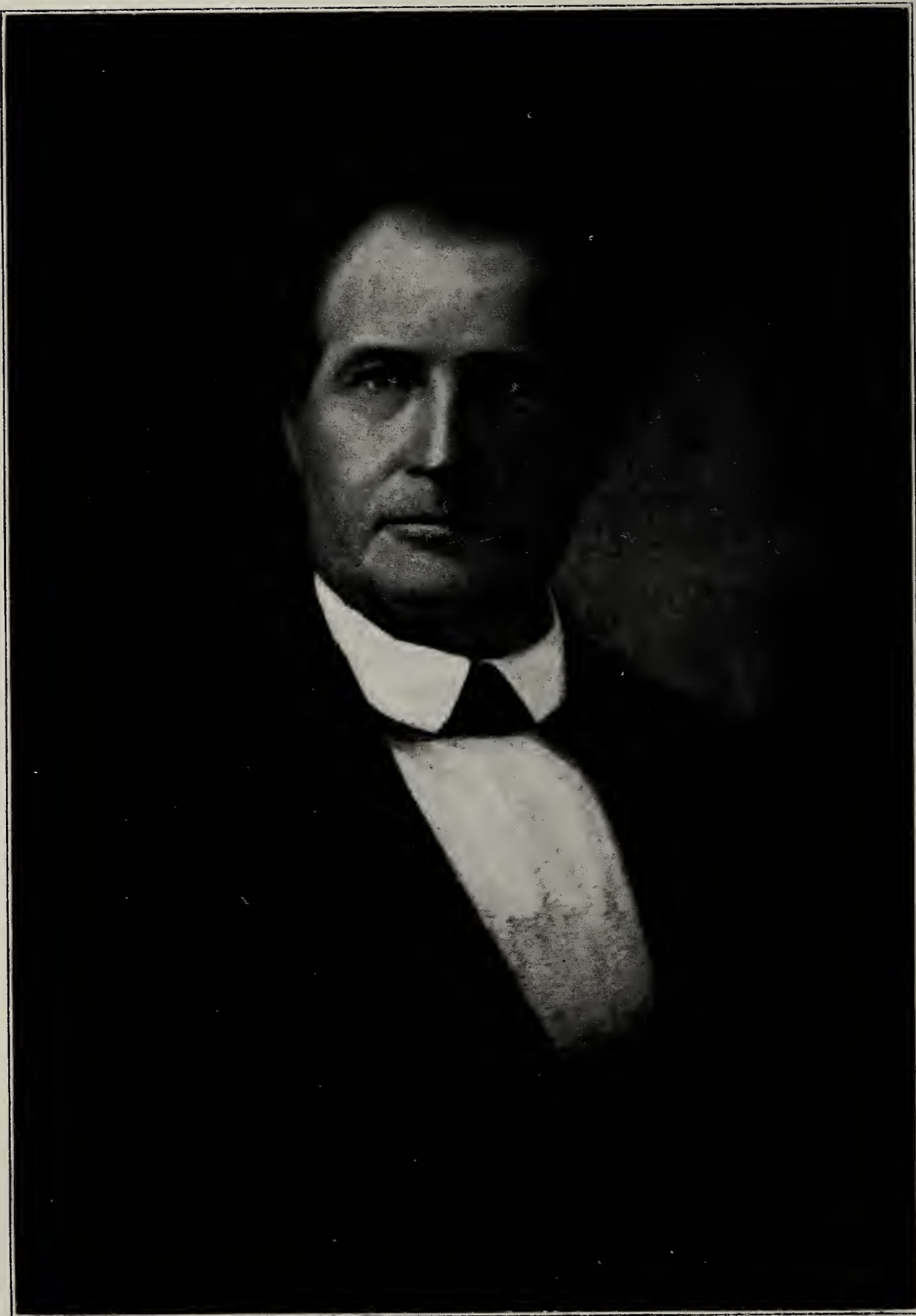
Washington, D. C., March 3, 1885.

ROBT. L. TODD, Esqr.,
Columbia, Missouri.

Dear sir:

The glowing twilight, indicative of the final extinction and decay of the radical party, dawns on apace. A few more hours, and the G. O. P., like the glory of the Chaldea excellence, will have gone into its eternal darkness, unhonored, unswept and unsung. The deceased will be buried at midnight, and the funeral will be attended only by a few of ghoulish, jackal, night-prowling family, who waiting till the glorious sun has set behind the western skies, then seeking out the newly made grave, feast and fatten upon dead men's bones. I know that your fine-haired theorists and special pleaders tell us that millions of the human race spend their lives, then die, yet live in those that come after them. But that is not true of the radical party. It was born under peculiar circumstances, has lived a life that has been a total failure, and now its last curfew is soon to be sounded. That settles it; its Gabriel dies with it, and there will be none left to blow it to the resurrection. *Sic semper tyrannus.*

Well, the clans are gathering. The democrats are coming, or rather I should say that the patriots are coming, yes, they are coming to Washington from every state, county, city and hamlet in America. They came like the wolf on the fold; like the Huns and Vandals came down on ancient Rome. They are here, with their sisters, their cousins and their aunts by the dozens; their wives' relations will be here next week. The patriotism of the country is developing to a wonderful and an alarming extent. Each transport on the Potomac brings a fresh supply of patriots, and every train on every railroad adds to that number; while some of the Maryland and Virginia democrats come in the truly democratic style, the former on horseback, the latter in ox wagons. There is the spindle-legged yankee from Massachusetts, with a two-story hat, inclined at an angle of forty-five degrees toward Cape Cod,



JUDGE JAS. M. GORDON

with his confiding Jerusha Jane holding to his arm, indicative of the tender vine clinging to the sturdy oak, and wholly obvious of the "blue laws" of New England, which prescribed proper conduct in public. As the two go marching side by side up Pennsylvania Avenue, every movement seems to say, "Here we are, look at us!" Then there is the patriot from New York state, which happens to be the state from which Mr. Cleveland hails; hence the importance of the New Yorker. Now these New York democrats seem to think that the whole world revolves around them, and they are continually mentioning the fact that President Cleveland could not possibly have been elected without that eleven hundred majority given him by New York. Then there is the tall hidalgo from the Southland, with his black mustache whose waxed tips extend beyond his ears. He comes "from Mississippi, sur, and my father came from old Virginia, sur, and all of my ancestors were gentlemen, sur." He is a Colonel, of course, in fact all of his family are Colonels, except a few of them who were Generals. Then comes the broad-brimmed sombrero from the Lone Star state, evidently with his eye on the spoils. We next meet the patriot from the Blue Grass regions, who is gallantry personified; his wife is the most charming of the women, his niece is as beautiful as Jephtha's daughter and his horse is the swiftest that ever entered the Lexington trots. He will tell you, incidentally, that his father was raised on a farm adjoining Henry Clay, and that Dr. Dudley was the family physician. And finally come the practical politicians from the middle West, who make up in force what they lack in quality. The procession of patriots, thus formed, marches from one end of Washington to the other; but should the war bugle be suddenly sounded, it would be a question for the Almighty to decide how much patriotism would be left in this capitol city. But it remained for Missouri, for the county named for the great hunter, and for the town named for the great discoverer to present to the nation the "Columbia Colonels", whose reputation now extends from ocean to ocean. Of course I refer to More, Switzler, *et al.*

By the way, speaking of Col. Switzler, perhaps you may remember him, a fossilized specimen of Saxon beauty of the olden type. Some of you Boone county people thought he came on to Washington to get office. Nix, you had might as well let a change come over the vision of your dreams. He does not want any office; he simply called to pay his respects to the President; he may perhaps call again.

Now, when Colonel Switzler was an infant, shortly after wearing his first suit of clothes, he was sent to a pedagogue in Howard county, whose name happened to be John T. Cleveland, a second cousin of

President Cleveland. And strange to say, Switzler will not allow the President to forget that fact, no not for one single moment. Well, the aforesaid pedagogue, when trying to develop the youthful mind and teach the ideas how to shoot, placed in the hands of the aforesaid youth a copy of Webster's blueback spelling book, which naturally gave Switzler a Websterian turn of mind. And later on, when Daniel Webster made his immortal speech in defense of the wood chuck, and startled the world with his oratory, that settled it. Switzler became a Webster unabridged, with marginal notes.

You are now prepared for the last act in this remarkable drama. What I am now about to relate is told in the strictest confidence; tell it not in Gath, breathe it not in Ashkalon. But it illustrates the value of early teaching. Train up a child in the way it shall go and when it is old it will not depart from it. As I was walking through the dome of the capitol on yesterday, there passed me a lady of the most transcendent beauty; as fair to look upon as the Queen of Sheba, with the image of Juno and Venus stamped upon her face, with the voluptuousness of Cleopatra, and the "kiss me quick" expression of Lillie Lantry. Being a widower, I naturally regretted by inability to meet and get acquainted with such a real beauty, when I was suddenly and ruthlessly seized by the arm, and looking around was confronted by the castiron countenance of the "Statesman" man. If you can imagine the terror that filled the mind of Belshazer, when he saw the handwriting on the wall; if you have any idea of the feelings, of the members of parliament when the dynamiters were having their little Fourth of July celebration in the basement; if you can conceive of the fear that was experienced by Shakespeare's noted character, when he exclaimed, "A horse, a horse, my kingdom for a horse!" you can to some extent appreciate my feelings. But before I could regain myself, he said, "Colonel Samuel, allow me to introduce my very particular friend, Mrs. Webster." I was struck dumb, yes speechless, and, not having three aces in my hand, I passed. After that, Switzler explained to me that he had just found out that this Mrs. Webster, a widow, was his cousin, his long lost cousin, with the strawberry mark on her arm. Now, what do you think of that for cheek? Oh, the cheek of the Columbia Colonel is something wonderful; its reputation has already passed the most sacred precincts, and it will soon penetrate the White House doors. In fact, the Secretary of the Navy has heard of it, and he wants to get some of it to use as plating for his ironclad war vessels. *So mote it be.*

Yours very truly,

JNO. M. SAMUEL.

J. DEW. ROBINSON

One of the best constitutional lawyers that Boone county ever had was John DeWilton Robinson, who was elected prosecuting attorney in 1880 and again in 1890. Mr. Robinson was in many respects an interesting character, and he had a way of telling things different from any other living person.

In 1872, Mr. Robinson and Wellington Gordon were candidates for prosecuting attorney, and each was bragging on his record in the Southern army, and belittling the record of the other. Mr. Robinson was a member of a company that was organized in the southern part of this state; so none of his comrades lived here. Accordingly, Mr. Gordon was joking him about his record, and insisting that no one knew of his being in the army; these thrusts at Mr. Robinson were made by Mr. Gordon in his speeches in different parts of the county. The last day of the campaign, public speaking was had at Jacobs' pasture, several miles east of Columbia; and, to his extreme joy, Mr. Robinson met on the ground a Mr. Adcock, one of his old comrades. Mr. Robinson arranged for Mr. Adcock, who was a stranger in this county, to take a seat near a certain tree; and to respond when called for by Mr. Robinson. At the time when Mr. Gordon was asking who in Boone county ever knew of Mr. Robinson being in the Southern army, Mr. Robinson arose and said that a gentleman was present who knew he was there, and who fought by his side, Mr. Adcock. Mr. Gordon said he never heard of such a man in this county, and called for him to come forth. In the meantime, Wm. H. Jacobs and Jeff Rocheford persuaded Adcock to leave the grounds, and Mr. Robinson was left in an embarrassing position, Mr. Gordon saying that he was trying to "trump up a fictitious person".

In one of Mr. Robinson's campaigns for prosecuting attorney, he attended speaking at Rocheport, and his attention was riveted on his race. He could talk and think of nothing else. He and others rode horseback to Columbia after the speaking was over, and in passing Moniteau creek, Robinson's horse stumbled and fell, throwing its rider on the gravel road. The fall was so great that Mr. Robinson was unconscious; and Judge John Hinton and others came to his assistance in a hurry. After lifting him up and bathing his head in water, Mr. Robinson began to come to, and said, "Judge, that fall came near killing a mighty good prosecuting attorney."

About 1876, Mr. Robinson was a candidate for prosecuting attorney, and, among other things, he said: "It is impossible to please every one, and especially is it hard to please my opponents. A few years ago, I was running for this office, and had been taking Jerry

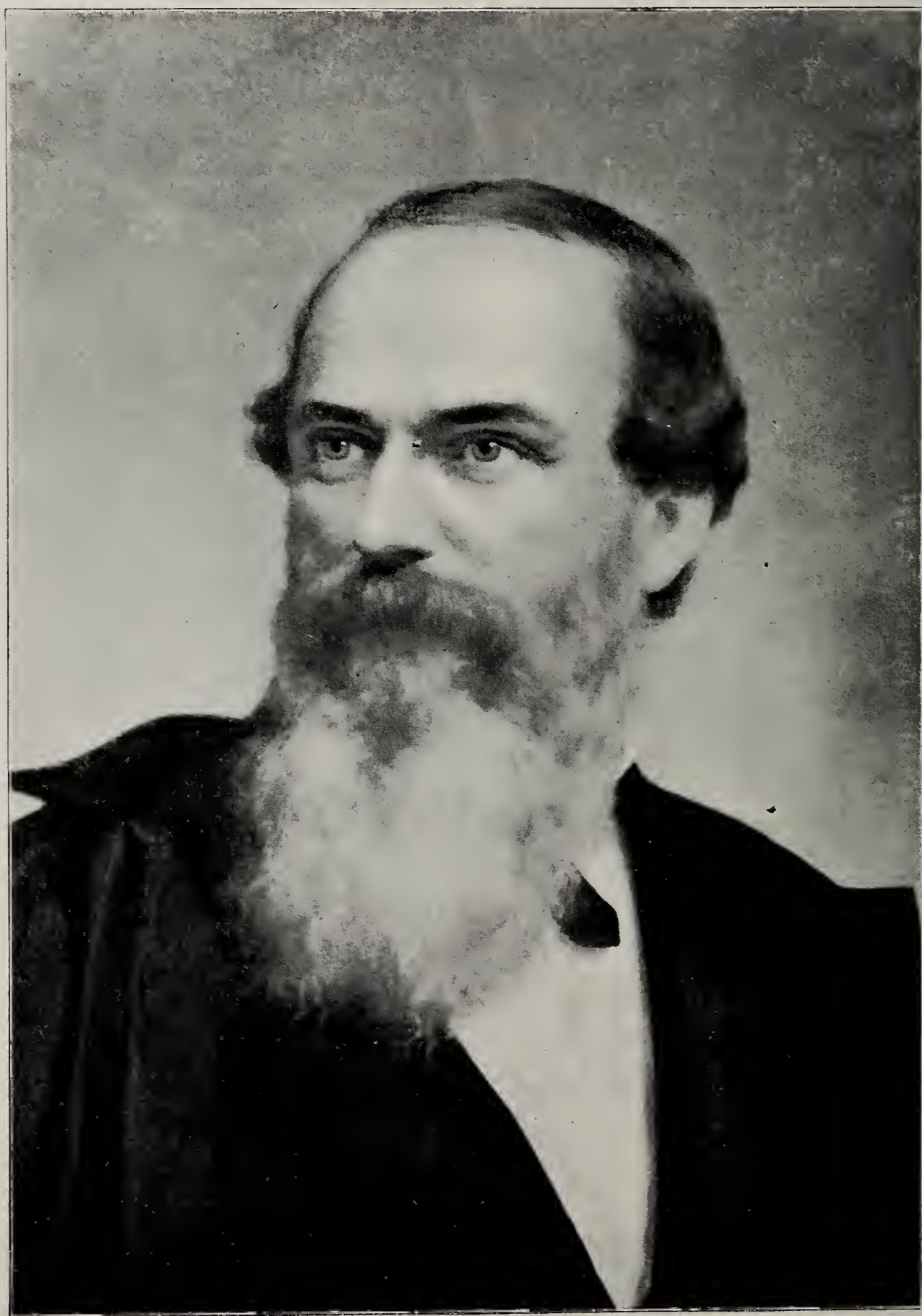
Dorsey's youth restorer, and my friend Wax Gordon said I was too young. Two years later, the grey hairs begin to appear, and I am again a candidate, and my friend Shannon C. Douglass says I am too old."

Judge Burckhardt fined Mr. Robinson five dollars for coming into the court room one morning, after Mr. Robison had had an encounter the night before in his chicken house with a pole cat.

About 1887, Mr. Robinson moved to California, arriving there when real estate was on the boom. He invested all his money, when property began to decline, and in a little while he was almost penniless. As he had no law practice, he worked for a while at the carpenter's trade. Not knowing that he was a lawyer, the sheriff summoned him to serve on a jury. When he came into the jury box, he rose and said, "Your honor, in Missouri, lawyers are exempt from jury service, because no lawyer is willing to trust another." When the court asked him if he was a lawyer, he replied, "Yes, sir; but a lawyer whose ability has never been appreciated and never will be, but I know enough law to spoil me for jury service." Both sides agreed to excuse him. Mr. Robinson's friends loaned him the money, and he came home, in 1889, as he expressed it, "A poorer and a wiser man." He ever afterwards sounded the praises of Missouri.

During Mr. Robinson's last term as prosecuting attorney, he prosecuted three men, all of whom were promptly acquitted by juries, and acquitted on the same day. He arose in the court room and said, "Judge, if these grand rascals will just plead guilty and stick to their pleas, I can send them to the penitentiary; but if they withdraw their pleas of guilty and stand trial in this court, a Boone county jury will surely turn them loose."

During the trial of the Columbia waterworks case, Mr. Robinson was placed on the witness stand by Judge Alexander Martin and asked a few preliminary questions, first as to whether or not he had graduated at the State University and in what department. Mr. Robinson said, "Yes, sir; I am an A. B. of 1853, and an L.L. B. of 1873, and I graduated under General Guitar in the Federal prison over there in 1863." Mr. Robinson claimed to know nothing of the gas company in Columbia, and Judge Martin asked if gas was not burned in Columbia, and Mr. Robinson assured him that he used coal oil lamps, but that he had understood some University teachers burned tallow dips. Judge Martin asked if gas was not burned on the streets, and Mr. Robinson said he did not know, that he did not go down town at night. Again Judge Martin asked if gas was not burned in the churches Sunday nights, to which Mr. Robinson replied that he did not go to church on Sun-



MAJ. JAS. S. ROLLINS

day nights or any other nights. "Pray tell us where you do go of nights," asked Judge Martin. Mr. Robinson, with apparent indignation, said, "I stay at home, where an honest man ought to stay."

Mr. Robinson was placed on the witness stand about 1895, and questioned by General Guitar, much to the amusement of everyone. The general first asked where he lived, and Mr. Robinson said, "I lived in Columbia a few years ago and practiced law, but I have recently moved to Missouri township, and am now making an honest living." The general then asked how long he had lived in Boone county, to which Mr. Robinson, in his own inimitable way, replied, "During the war, I acted the fool and went into the Southern army and busted up; and about ten years ago, I acted the fool and went to California and busted up. With the exceptions of the times, when I acted the fool, I have always lived in Boone county." He was again asked if he had ever sought any public office, and his answer was "Yes, sir; I have been seeking office all my life, but I only get in once every ten years." Being further questioned as to whether or not he was well acquainted with the people of Boone county, Mr. Robinson said, "Yes, sir; and the worst of it is the people of Boone county are well acquainted with me."

A lady and her daughter visited Mr. Robinson, while he was prosecuting attorney, and told their tale of woe. The daughter lacked a week or two of being eighteen and the man she married was her first cousin; and the two had gone to another state to be married. In a day or two, the girl regretted what she had done. Mr. Robinson was of the opinion that, as they left Missouri for the sole purpose of evading the Missouri law, the marriage was null and void, and he so stated. This pleased both of them, and the daughter quickly asked if she could marry another man. Mr. Robinson said, "Yes, if you can get any one — fool enough to marry you."

Mr. Robinson was a most careful pleader, and only once did the circuit court hold one of his informations or indictments insufficient. That was the case of *State vs John Karnes*, charged with disturbing the peace of the Methodist Sunday school at Centralia. Mr. Robinson appealed from the decision of the circuit court in quashing the information; and the court of appeals sustained Mr. Robinson and reversed the circuit court.

Mr. Robinson dismissed several state cases, after he failed to secure a conviction; and this caused some criticism by the people as well as the press. In his campaign for re-election, Mr. Robinson justified his actions by saying, "What the people need is a prosecutor who will know when to let loose as well as when to take hold."

Mr. Robinson was outspoken, and never hesitated to say just what he thought. While prosecuting attorney the last time, he went to Sturgeon to prosecute seven cases; and at Centralia by mistake took the fast train on the Wabash instead of the slow train, and passed through Sturgeon at the rate of thirty-five miles an hour. Though he pled with the brakeman and conductor, and threatened to prosecute nearly everybody on the train, he could not induce them to stop the train till it reached Clark, some seven miles beyond. Then he walked back to Sturgeon, reaching there after the slow train had passed, and learning that all of his cases had been dismissed for want of prosecution. He grew eloquent, but what he said had better not be preserved in print. It was then noon, so he went to the hotel for dinner, and to add to his further disgust, the waiter brought him a piece of pie with a fork on the plate. That was too much, so he exclaimed, "Here, waiter, take that fork away, I never saw a man eat pie with a fork unless he was a darn fool or a grand rascal." At that time, W. J. McQuitty, of the "Rocheport Commercial," was fighting Mr. Robinson politically, and, after printing the above incident, it added, "Rock Bridge whisky will make even Wilt Robinson do strange things." He was not a drinking man, so the above item in the "Commercial" added fuel to the flames of Mr. Robinson's anger; and, for a long time, it was said that any reference to either his Sturgeon trip or the "Rocheport Commercial" would make him mad enough to fight.

About 1899, the secretary of the University sent out a circular letter to the alumni of that institution, asking various questions, and asking a return of the letter at once. Mr. Robinson received such a circular, and read it over, making one of his remarks while he and several others were talking on the street, as he read each question. "When and where were you born?" was one question. "Well," said Mr. Robinson, "I suppose I was there and knew a lot about it at the time, but I don't remember anything now." "State your name in full," was requested. To which Mr. Robinson said, "I would hate to tell all of the names I have been called by. Certainly I would not think of writing them on a paper and sending it through the mail." The other request was a statement of something unusual that the alumnus had done. And Mr. Robinson said, "My life has been one unusual, abnormal doing of something, and then undoing it in a different manner."

At one time, Mr. Robinson was a great crank on the subject of religion, and gave utterance to his religious views on many occasions. In the probate court room, he talked to a widow who was a devout Methodist till she began to cry; then he left the court room. Seeing the lady in distress, Judge Switzler came down off of the bench and asked

what was the matter, and she told him that Mr. Robinson had insulted her. With some indignation, Judge Switzler demanded to know what he had said, and the lady sobbingly replied, "He told me there wasn't any devil."

Mr. Robinson had a disagreement with another Columbia lawyer, named G——, and their differences were so great, that they quit speaking. Some months later, Mr. Robinson's wife died. As soon as Mr. G—— saw Mr. Robinson after that, he walked up to him, held out his hand and said, "Mr. Robinson, I want to shake hands with you and tell you of my sympathy for you. And I want to say further that the little dispute that we had is past and forgotten, so far as I am concerned." Mr. Robinson shook hands with him and said, "Yes, G——, we did have a little fuss, but there never would have been any trouble, if you hadn't acted the dam fool."

A. F. DENNY

Although a citizen of Randolph county, Col. Alexander F. Denny often practiced in Boone county, and he was the attorney for relator in the case of State ex rel. Attorney General vs Warren Woodson; the same being the contest between Cook and Woodson for the office of county clerk. Col. Denny, who was a Missouri University graduate, represented his district in the state senate in 1864; and he was appointed commissioner to revise the statutes of Missouri of 1865, which he did in a highly satisfactory manner. He was the nominee of the liberal republicans, and ran against Judge Burckhardt in 1868, but Judge Burckhardt was successful. He was the republican nominee for supreme judge in 1876, but was defeated. Col. Denny served in the Union army during the Civil War; and at the close of the war, served as curator of the University. He was the father of Mrs. Marshall Gordon and the Misses Denny, of this county.

J. V. C. KARNES

Although he was a citizen of Kansas City for nearly half a century, Mr. Karnes was ever loyal to the county of his nativity, and always spoke of Boone county as "home". He was recognized as the leading citizen of Kansas City, and one of the leading lawyers of Missouri. He was noted for the interest that he took in young men and young women, aided many of them in obtaining an education and assisted hundreds of them in securing good positions. He was fond of writing letters, and was never too busy to take time enough to write a letter worth reading, and ever gave good advice. The following letter

is characteristic of Mr. Karnes, and has reference to a young man in Columbia, now a Columbia lawyer :

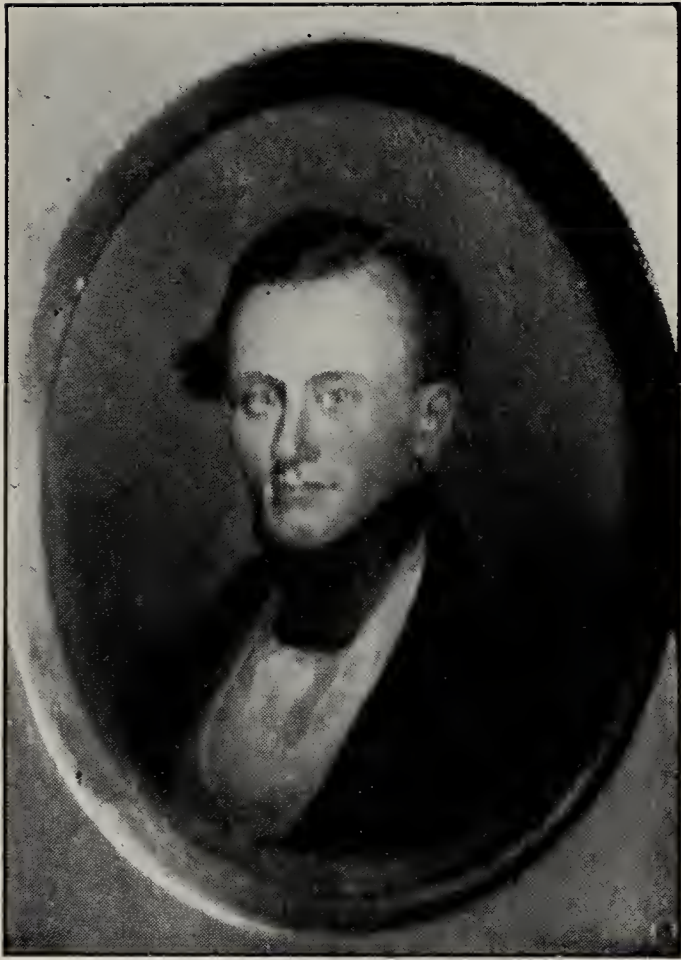
Kansas City, Mo., March 20, 1888.

MR. R. L. TODD,
Columbia, Missouri.

My dear Mr. Todd :

Your valued favor of the 16th just to hand, and, finding me somewhat at leisure this forenoon, I hasten to answer. I feel that you know full well my desire at all times to do anything that you would request of me. Your many kindnesses in the past have placed me under a debt of obligation I can never repay. I have often said this to you before, but I take pleasure in assuring you that I shall ever feel so. In addition to this, I am advised from other sources of the personal worth of your young kinsman, and I have a decided inclination, almost a weakness, to assist young men in their first professional struggle. And so both on your account, and for his sake, and that of his esteemed father and mother, I would greatly like to assist him in any way I can. In our office, we have all the assistance we can now use; and it has been my experience and observation that if you have more help in an office than is needed that it is demoralizing upon them all. Thus situated, I do not see my way now to take another man into the office. Should your kinsman conclude to come to Kansas City, I will take pleasure in aiding him in any way in my power.

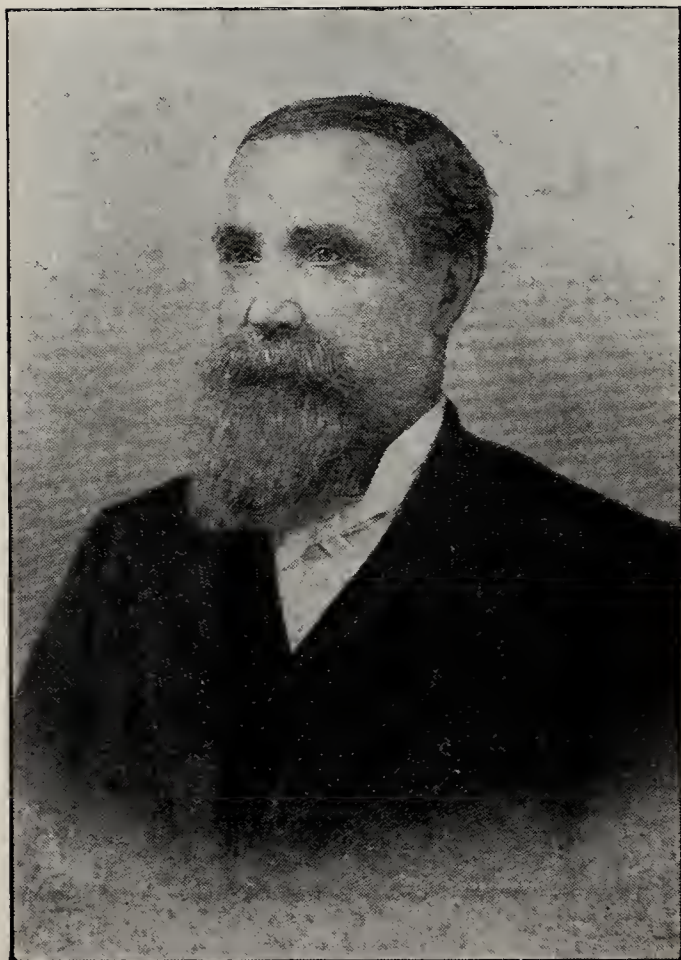
This is a city which attracts to it an army of young men from the east, seeking western homes, and hence desirable places are eagerly sought after and often engaged months in advance. So that it is by no means easy to secure a desirable situation. In view of this, I have made it a rule to discourage young men from coming here, unless they are willing to starve, or had made enough to carry them along. I am not much in favor of a young man's going into an office if he is ready for work. It is a shelter for him. He will rely upon his superiors. Far better it is to take his own office, sweep it out, make his own fires, live economically, sleep with his books, and slowly make his own friends and build up his own business. This gives professional muscularity, which is extremely useful in the after conflicts. The handsome furniture, the carpeted offices, easy chairs, etc., are the curse of the young city lawyer. No man ought to enter the law unless he is willing to fight his way, and, feather beds never were intended for soldiers. Feeling this way, my advice to the young man will be to come here, if he is determined to, take an office and little by little build up a practice. He can do it if he has the metal. It will be hard, often discouraging, but success will in the end be more appreciated.



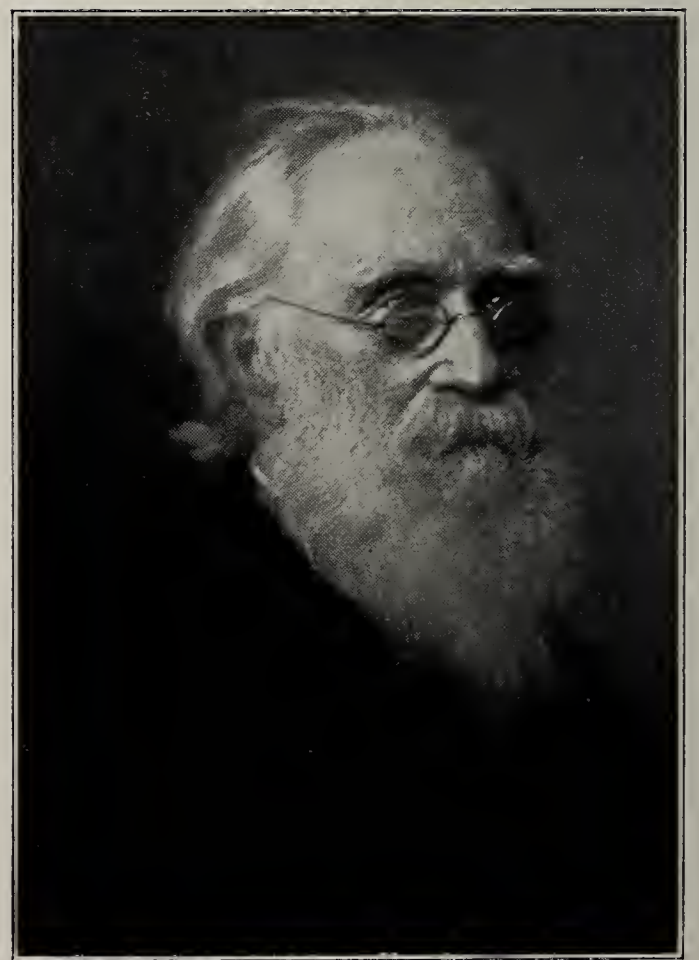
THOMAS MILLER



COL. SAMUEL A. YOUNG



JUDGE ROBERT B. TODD



ROBERT L. TODD

With kindest remembrances and wishing for the young lawyer the greatest success in the greatest profession, I am,

Faithfully yours,

J. V. C. KARNES.

HIRAM C. PIERCE

While Judge Burckhartt was on the bench, he and Captain Pierce were fond of playing whist, and frequently spent an evening together. One evening while they and others were playing, luck seemed to be against Judge Burckhartt, and his mistakes caused the others to enjoy themselves. Every time Judge Burckhartt would lose a point, Captain Pierce would say, "Now, Judge, you are gone where the woodbine twineth and the woodpecker roosteth." This expression was used so often, and there was so much occasion for using it, that it became very funny. The next morning, when circuit court opened, the first case called was one in which Captain Pierce's client was suing a man for cutting timber. After offering in evidence the deed to the land, Captain Pierce placed his client on the stand and asked him the number of acres of land that had had timber cut off, and the number was given. Then Captain Pierce wanted to know what damage he had sustained by reason of that timber having been removed; and to his amazement, his client testified that it had not been damaged, but benefited. Judge Burckhartt could not refrain from saying a few words; he leaned over his desk and said, "Now, Pierce, it looks like you are gone where the woodbine twineth and the woodpecker roosteth."

JNO. H. OVERALL

One of Boone county's lawyers who achieved distinction as a city lawyer was Mr. Overall, and he was recognized as an authority on municipal, township and county bonds; also in municipal law and contested election cases. Mr. Overall was perhaps the only Boone county lawyer, who graduated from the Missouri Univeresy and also from the Harvard Law School. Returning to Missouri, he opened an office in Macon, was elected circuit attorney of the circuit composed of Macon, Randolph, Howard, Boone and Callaway. He then moved to Columbia, where he taught in the Missouri University Law School, and thence to St. Louis. Mr. Overall enjoyed an extensive practice in the Federal courts, was a law writer of ability and was one of the few lawyers who made money in the practice. He was specially fine in questions of the conflict of jurisdictions between state and Federal courts, which were continually coming up for some years after the Civil War. Mr. Over-

all was actively employed in the organization and building of the Merchants' Bridge, at St. Louis, and the connecting railroads, and in the laying out of the towns of Madison and Granite City.

Mr. Overall was one of the attorneys in the noted St. Louis whisky ring conspiracy case.

JAMES H. MOSS

Colonel James H. Moss, a native of Boone county, was descended from a Virginia family distinguished in private and public life previous to and during the Revolutionary era. He was a graduate of the State University, and soon after graduation married Miss Susan A., daughter of Judge Warren Woodson of Columbia. Almost immediately after his marriage he entered upon the practice of law in Liberty, Clay county, at one of the most interesting and exciting periods in the history of Western Missouri. The bar of that section comprised some among the most illustrious lawyers in the history of the state. Doniphan and Atchison and Woodson and Craig and Norton and Hall and Wilson and Sawyer and Chrisman and many others of kindred spirit were those with whom he was closely associated and held an honored place.

Eloquent, well versed in the law, chivalrous and magnetic, he at once rose to a front place in his profession and outside of it, for he was in demand for political preferment, having been the nominee of his party for congress and being selected as a member of the celebrated state convention which met in St. Louis in 1861 to consider the propriety of Missouri's secession from the Union.

His valorous spirit made him a central figure in the exciting events attending the border troubles between Missouri and Kansas and at an early period caused him to enlist as a soldier in Doniphan's celebrated expedition to Mexico during the war with that country. He was second lieutenant in the company of his brother, Capt. O. P. Moss. History has already assigned to that campaign a high place among the memorable and remarkable feats of American arms. It has been declared that the march of Doniphan and his gallant young Missourians across the burning plains of the southwest, through the cactus deserts and mountain fastnesses of brigand-infested Mexico for 6000 miles without the loss of a man has no parallel in heroism, endurance and achievement.

Colonel Moss returned from this strenuous experience with an impairment of health from which he never fully recovered. But at the beginning of the Civil War he again yielded to his impulse for military life, and accepted the colonelcy of a regiment of militia organized



F. W. NIEDERMEYER



EMANUEL V. DAVIS



GUITAR BUILDING, ERECTED IN 1912

All Columbia Lawyers, Except Four, Office in This Building

to protect his country from the depredations of lawless desperadoes who for a long period were a terror and a curse to that section.

Afterwards he removed to New York, and to St. Louis, whence he went to Columbia where he lived until his death at the comparatively young age of forty-nine, in 1873.

He possessed a charming personality which drew to him troops of admiring and loving friends. In social life he was most attractive, possessing a humor that was infectious and which was a source of delight in every circle. His brilliant eloquence on the stump and at the bar, his affectionate spirit, and his self-sacrifice for those he loved made him a unique and attractive and delightful character, whose memory is cherished with love and admiration by all who knew him.

Colonel Moss was opposed to secession; and he often told it afterwards that the first person he met attending the State Convention of 1861 was his father-in-law, Judge Warren Woodson; and Judge Woodson was a delegate from Boone county, in favor of secession, and was carrying a shot gun. Col. Moss, at the time of his death, was a law partner of Col. S. Turner of Columbia.

E. C. MORE

Colonel Elawson C. More was born in Little Rock, Arkansas, December 27, 1837, and died in Peoria, Illinois, July 24, 1902, in his 65th year. His father was a native of Danville, Kentucky and his mother was born in Arkansas. He was highly educated. He first attended school in Little Rock, and Shurtleff, Illinois, and afterwards in France, Germany and Spain. He then returned to America, and spent two years at Yale College, graduating there in 1858. He thus possessed a finished culture, to which he added a naturally high artistic temperament. He spoke several languages fluently and had a polished refinement which was unusual, and which made him an attractive figure in every sphere.

Colonel More was educated for the profession of law in the law school at Lebanon, Tennessee. He next went to St. Louis and entered the law firm of Lackland, Cline & Jamison. In 1865 he located in Helena, Montana, where he formed a copartnership in the practice of law with Col. Alexander M. Woolfolk. In 1866 he traveled extensively in Oregon and California and Central America. He then returned to Missouri and engaged in the practice of law three or four years in Columbia, after which he retired from the law and engaged in farming near Columbia. He erected a beautiful home upon his farm near the northern corporate limits of Columbia, and there with his

accomplished wife, formerly Miss Elizabeth Hunton, daughter of Judge Logan Hunton of St. Louis, for several years had his home. The delightful hospitality of this beautiful home, the culture and attractiveness of its host and hostess, made it the center of a social life whose generosity extended far beyond the limits of the community which so much enjoyed and honored it. Near his residence, Col. More constructed More's Lake, which was not only one of the beautiful things to be seen near Columbia, but it was well supplied with fish and boats and furnished entertainment for Columbians and their visitors at all seasons of the year. This lake also furnished Columbia's water and ice supply for many years.

Col. More was appointed in 1886 by President Cleveland consul-general to Mexico and he filled that responsible diplomatic post with honor to himself and credit to his country.

He was several times enthusiastically supported by the people of his district for congress and was defeated by only a small majority.

He was of commanding presence, of courtly bearing and most genial spirit. His lovable qualities were widely known and admired and drew to him hosts of friends far and wide. His gifts of conversation, his aesthetic taste, his broad culture, his oratorical powers and his democratic and affable nature combined to render him a distinguished personality which, wherever he was known left an abiding impress and in the community which so sincerely loved him is a precious memory.

Col. More was a most courteous man, always had time to stop and speak to every one, and invariably had a kind word or a word of encouragement. Chris Mahoney was a small boy attending the Columbia public school about 1878, and his teacher asked the class the meaning of the word "gentleman". Chris replied, "I cannot give the definition, but I can tell who one is; it is Col. More." Hearing of this, Col. More presented the youngster with a suit of clothes.

CHAPTER VII

THE LAWYERS—CONTINUED

WM. H. KENNON

Wm. H. Kennon, who was raised in the Potts-Glenn neighborhood out northeast of Columbia, practiced in Boone county for many years after he moved to Mexico. Mr. Kennon is responsible for the following, which he said Judge Persinger told him about a Missouri legislator, and a visiting lawyer, both of which stories Mr. Kennon told in his talk at the old settler's reunion of 1907 in Boone county.

I saw Judge Persinger often, as he lived a neighbor to my father and me. He said that his brother, Joe Persinger, was elected doorkeeper in the house of representatives, in early times. That as doorkeeper, it was his only duty to distribute bills to the members of the legislature after the bills had been printed; that on one occasion Governor Boggs had printed in "dodger form" a lot of invitations to an "eggnog party" at the governor's mansion. That the doorkeeper gave one to a member, who could not "read writing". He looked at it, turned it over and looking closely at it, all the time, as though he could read writing, and finally said, "I'll be darned if I am going to vote for this bill."

In illustrating the ill-feeling that existed between the whigs and democrats, Mr. Kennon told of a Boone county sheriff who was a whig, and the circuit judge, who was a democrat. "When I was a boy, a visiting lawyer tried a case in Columbia, and tried it before a jury. At the proper time, he handed up some instructions which he had carefully prepared, all of which he had written with a quill, as the type-writer was then unknown. The judge was overly cautious about this case and spent a good deal of time examining the instructions, and was so slow about it that the lawyer said to the sheriff, who was not very friendly to the judge, 'I do not believe your judge can read writing.' The sheriff whispered back, 'He can't read readin', let alone 'ritin'.'"

Chas. H. Hardin, also a former Boone county lawyer, after he became governor, had a petition presented to him for the pardon of a man who lived in southeast Missouri. The petition was presented by Mr. Kennon, who was a brother-in-law of the governor. When the governor read the petition and saw that the prisoner lived in a distant

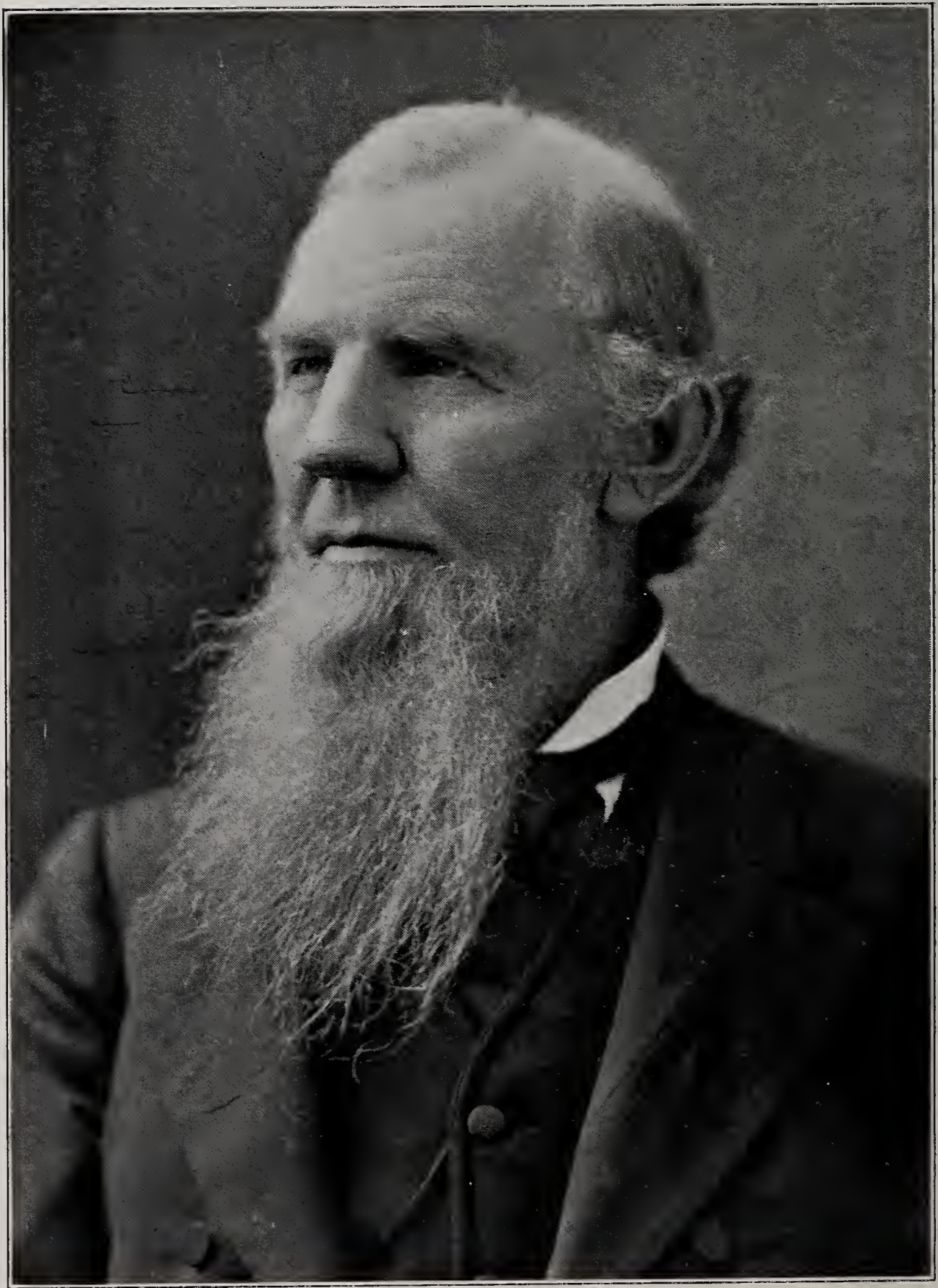
part of the state from Mr. Kennon, he asked if Kennon had been employed to present the petition. Kennon said, "I want to be frank with you; yes, I have." "Well," said the Governor, "I want to be frank with you; there is no use in you saying anything more to me about this man's case."

ANDREW J. HERNDON

Hon. Andrew J. Herndon, although a resident of Howard county, practiced extensively in Boone county, in the days when lawyers "rode the circuit". He was the grandfather of H. A. Collier. It was told of Judge Herndon that he had a case appealed shortly after the Kansas City court of appeals was created, and he was successful. He congratulated himself by bragging on the higher court, and especially Judge Smith, who delivered the opinion. But the next case he had in that court, he lost; and the opinion was delivered by the same judge. When Judge Herndon read the concluding portion of the opinion of the court of appeals, "The judgment is therefore reversed; all concur. Jackson L. Smith, P. J.", he said, "Well, it ought to be J. P."

ELI PENTER

A short time before his death, Eli Penter, the well known Ashland lawyer, dictated the following regarding himself: I was born in Batesville, Arkansas, in 1836. At the age of fourteen, I left home and hired to a farmer for three dollars per month. As a number of my neighbors were going to Oregon, I arranged to drive an ox team, and walked and drove the team more than half the distance. This was in 1851. After the Indians began to murder settlers, I volunteered and joined the army, and engaged in three battles with the savages. We were successful every time. I worked in Oregon and Idaho, on farms and in gold mines, till 1865, when I started for home. I drove a mule team as far as Omaha, where I bought a skiff, and started down the river to St. Joseph. I had under my shirt my bag of gold dust, containing one thousand dollars, the proceeds of my western trip, and this bag was tied by a strap over my shoulder. The skiff ran on a snag, and the front part of my shirt was open, so my precious bag went forward and almost fell into the water before I caught it. At St. Joseph, I took a train for Quincy, where I sent my gold to the mint and had it coined into ten and twenty dollar gold pieces. From there, I went to my native town in Arkansas, and found the people almost at the point of starvation, owing to the Civil War. After staying there a while, I bought a Mexican pony and rode to Boone county,



COL. W. F. SWITZLER

intending to enter the Missouri University, having attended the Oregon University a little while during my stay out there. I graduated from the Missouri University, taught school and read law; then I was admitted to the bar, and engaged in the practice of law, in banking and in editorial work. For thirty years I was president of the Ashland school board; several times mayor of Ashland and police judge of Ashland. My first case was in the justice's court, when two parties had a law suit over an axe, and my client was successful; and I never enjoyed a legal victory more than this one."

Mr. Penter was such a careful conveyancer that he attended to most of the legal business in Ashland and Cedar township for a number of years. He possessed the confidence of the people to such an extent that it was difficult to get a jury of that township to decide against him.

SHANNON C. DOUGLASS

Shannon C. Douglass was a Columbia boy and the grandson of Dr. James Shannon, at one time president of the Missouri University. He was active in the practice in Boone county, and also active in politics, both county and state. Two or three times he was a member of the state democratic committee, and for one term was chairman of the democratic state committee. He was appointed circuit judge of Jackson county by Governor Dockery.

While Judge Douglass was prosecuting attorney, a certain man was charged with violating the law which prohibited the sale of liquor within three miles of the State University. Seventeen men were subpoenaed as witnesses for the state, and one of them, Mr. W., wanted to be excused. Just before the trial, he went to see Judge Douglass, and with tears in his eyes, begged like a child. He said, "I am in a serious situation, and if ever a poor fellow needed sympathy and assistance, I am the one. Now, I am a member of the Baptist church, and the brethren threatened to turn me out if I drank any more. Then, I have neglected my wife, and she has talked of leaving me—and I suppose she ought to leave me. But I promised the church and I promised her not to drink any more; so there you are. Now, if you put me on the witness stand and make me swear that I drank liquor, I will be put out of the church and my wife will leave me." Judge Douglass promised the gentleman to use all of the other witnesses before calling on him; and not to use him, unless it became absolutely necessary. Then one after another of the sixteen witnesses testified that he went into the defendant's place of business to get a drink of water; so Judge Douglass saw it was necessary to use his Baptist

friend. When that gentleman was called to the stand, he had the cue, and he too testified that he went in that place and only got a drink of water.

When Judge Douglass, Judge Switzler and perhaps other Boone county lawyers of that day were examined by Judge Arnold Krekel, of the United States Court, the question was asked what is law. Each one gave a different answer, when Judge Krekel said, "Law is public sentiment crystallized. And if it isn't crystallized, it is very poor law."

IRVIN GORDON

One of the best known lawyers in Boone county was Irvin Gordon, for so many years city attorney of Columbia, now a well known Nevada lawyer. Mr. Gordon made such a fine prosecutor during his official terms that he was afterwards employed by the city to assist in certain prosecutions, and as a result many and large fines were imposed and collected by the city.

Mr. Gordon was good in the defense, as well as in the prosecution of a case. He was appointed by the court to defend a negro, who was charged with burglary and larceny, breaking into a junk shop and stealing fifty cents worth of old rags; and the court gave instructions on the subject of burglary, grand larceny and petit larceny. Mr. Gordon argued to the jury that three years, the lowest punishment for burglary, was too severe for such a case; and the jury seemed to agree with him. Accordingly, a verdict of not guilty was returned as to burglary, but the defendant was convicted of grand larceny, and given two years in the penitentiary. As all the evidence showed the stolen property was only worth fifty cents, the trial court granted a new trial; whereupon the defendant entered a plea of guilty to petit larceny.

While Mr. Gordon was city attorney of Columbia, the three-mile law was in force, and, by instituting various prosecutions, he added to the city treasury some three thousand dollars in fines.

THOS. B. GENTRY

Thomas Benton Gentry was a justice of the peace of Columbia township for many years, and police judge of Columbia while Hon. Wm. J. Stone was city attorney. Mr. Gentry was deputy postmaster, and was engaged in the dry goods business in Columbia before and during the Civil War. When the University Law School opened in 1872, he was forty-two years of age, and concluded he would again enter school; he was the first married man to attend the University.



GENL. ODON GUITAR

Considerable talk was created in Columbia by such an occurrence. Some people thought he had softening of the brain, others said that he had attained his second childhood. But a friend expressed his opinion in rhyme, wrote it on a postal card and mailed it to Mr. Gentry. It read as follows:

“An old married man going to school,
Forty years old, and a darned old fool.”

Mr. Gentry graduated in law at the age of forty-four, the oldest person who had up to that time graduated in any department. He opened a law office in Columbia, but loss of health caused him to give up the active practice.

While Mr. Gentry was police judge, Reynard Pigg, who lived in Blackfoot, was arrested on the charge of talking in a loud and unusual manner on a public street of Columbia. The plaintiff made out a *prima facie* case; but the defendant proved by his neighbors that he was in the habit of talking loud at all times, that they could easily hear him talking to his wife, although they lived half a mile from the Pigg residence. But the court held that although the conversation on the street was not loud or unusual for Mr. Pigg, yet it was loud enough to fine him one dollar and costs.

The old statute provided that one justice in each township be appointed “allotting justice, to allot hands to overseers of roads in said township.” Mr. Gentry was appointed allotting justice for Columbia township in March, 1862.

Judge Arnold Krekel appointed by Mr. Gentry United States commissioner for Boone county, and he served about one year.

WM. L. BERKHEIMER

Wm. L. Berkheimer, of Centralia, was the only German lawyer Boone county has ever had. He was a good lawyer, but not a good scribe. During Mr. Berkheimer's residence in this county, S. W. Early was justice of the peace; and most of the Centralia cases were tried before him. At one time, Mr. Berkheimer's client desired a change of venue from Justice Early's court; so the usual affidavit was prepared by Mr. Berkheimer and filed. After granting the change of venue, and after all parties had left his office, Mr. Early read over the affidavit, and became very angry. He went to Berkheimer's office and wanted to know what he meant by having his client to sign and file such a paper as that in court. The attorney looked at the paper and said that it was the usual paper filed in such cases, alleging prejudice. “Oh,” said Mr. Early, “It is prejudice, is it; well I just wanted to tell you that my ‘pedigree’ is as good as any body's.”

JAMES COONEY

Judge James Cooney, afterwards a member of congress, taught school while he lived in Columbia and Sturgeon. He told of one of his first cases, which was tried before a justice, who was also an Irishman. It was a suit against an insurance company for injury to a black horse, which was near a tree that was struck by lightning. After much evidence as to injury and lack of injury, the case was vigorously argued to the jury. Then the magistrate said, "Gentlemen of the jury, I have just been down to the saloon, and saw this black horse, and he is not hurt a dam bit. But it is customary to decide against a corporation; so I instruct you to bring in a verdict for the plaintiff for fifteen dollars, which will be sufficient to give the plaintiff's attorney a reasonable fee, also sufficient to *carry the costs*."

ATTORNEYS RECEIVED NO FEE

In 1874, an old darkey living east of Columbia on Grindstone creek had one his neighbors arrested for stealing a horse. The defendant loudly protested his innocence, and employed General Odon Guitar and Carey H. Gordon to defend him. As the defendant objected so strenuously to going to jail and insisted that he was absolutely innocent, the sheriff yielded to the pressure and decided to keep the defendant confined one night in a second-story room of the court house, having the door locked and a guard to sleep with him. During the night, the prisoner claimed to the guard that he was sick and needed a drink of water. Not fearing anything, the guard allowed the prisoner to go near the window, when the prisoner raised the window and leaped to the ground in safety. The guard fired several times at the fleeing man, but missed him; and the last time he was heard of, the man was still fleeing. The only property that this alleged horse thief had when he was arrested, aside from the stolen horse, was a pair of mules. So he gave one of them to each lawyer in payment for his fee. One night not long after his escape, both mules disappeared from their respective pastures, and, like their former owner, their place of residence is unknown.

General Guitar and Carey Gordon were both farmers, and did a great deal toward improving the breeds of live stock in Boone county. As a result, General Guitar lost considerable money on Jersey cattle and Berkshire hogs, and Mr. Gordon lost considerable money on saddle horses and jacks.

CAREY H. GORDON

Another member of the Gordon family, prominent at the bar, was Carey H. Gordon, whose nickname was "Darb." Mr. Gordon was a member of General Guitar's regiment during the Civil War, and was in an engagement in Clay county with Jesse James and his band; and to Mr. Gordon belongs the distinction of getting close enough to the noted outlaw to shoot off one of his fingers. The next day, James sent word to Gordon that he would like to meet him at Kearney, by himself, and fight it out; but Gordon did not care to engage in that kind of warfare.

Mr. Gordon's experiences in the war made him an expert horseman, and he was a fine rider. In the early 'seventies he was a candidate for a county office, and desired to attend every public function during the campaign. This was before the days when the candidates arranged the times and places for speaking. Mr. Gordon attended one picnic at Claysville, in the southeast corner of the county, where he was detained till after dark. The next day, a picnic was advertised for McCauley's Mill, in the extreme northwest corner of the county; and of course Mr. Gordon must attend that. So he rode all night, over some rough roads, and reached the picnic in time for the opening, doing without rest, supper or breakfast.

In 1895, John Hunt, Jr., was tried for burning a country store building and contents, and Mr. Gordon and Mr. Gentry defended him. Ben Earhart was jointly indicted for the same offense, but he turned state's evidence and was released. At the trial, the defense tried to discredit Earhart, and succeeded. It was shown that Earhart denied all knowledge of the affair till he was arrested by a self-appointed posse and given a whipping. Then Earhart was taken down in a cellar, so it is claimed, given some tobacco and clothes; he thereupon expressed a willingness to testify, and did testify that he and Hunt committed the crime. As a part of his speech in the arson case, counsel for the defense said:

Down in the cellar,
Neath the surface of the ground,
They turned Ben Earhart loose
And the suit of clothes was found.

There in the darkness,
Where no eye could see,
They laid it on to Hunt
And turned Ben Earhart free.

Yes, Earhart was released,
Provided he would swear
That John Hunt was the rascal
Who burnt the store house there.

But even Ben couldn't remember
Till he felt the bundle of switches
Come down like lightning
On the seat of his old breeches.

And none but one of the gang,
Who was in that lonely place,
Knows how much the tobacco
Has to do with this little case.

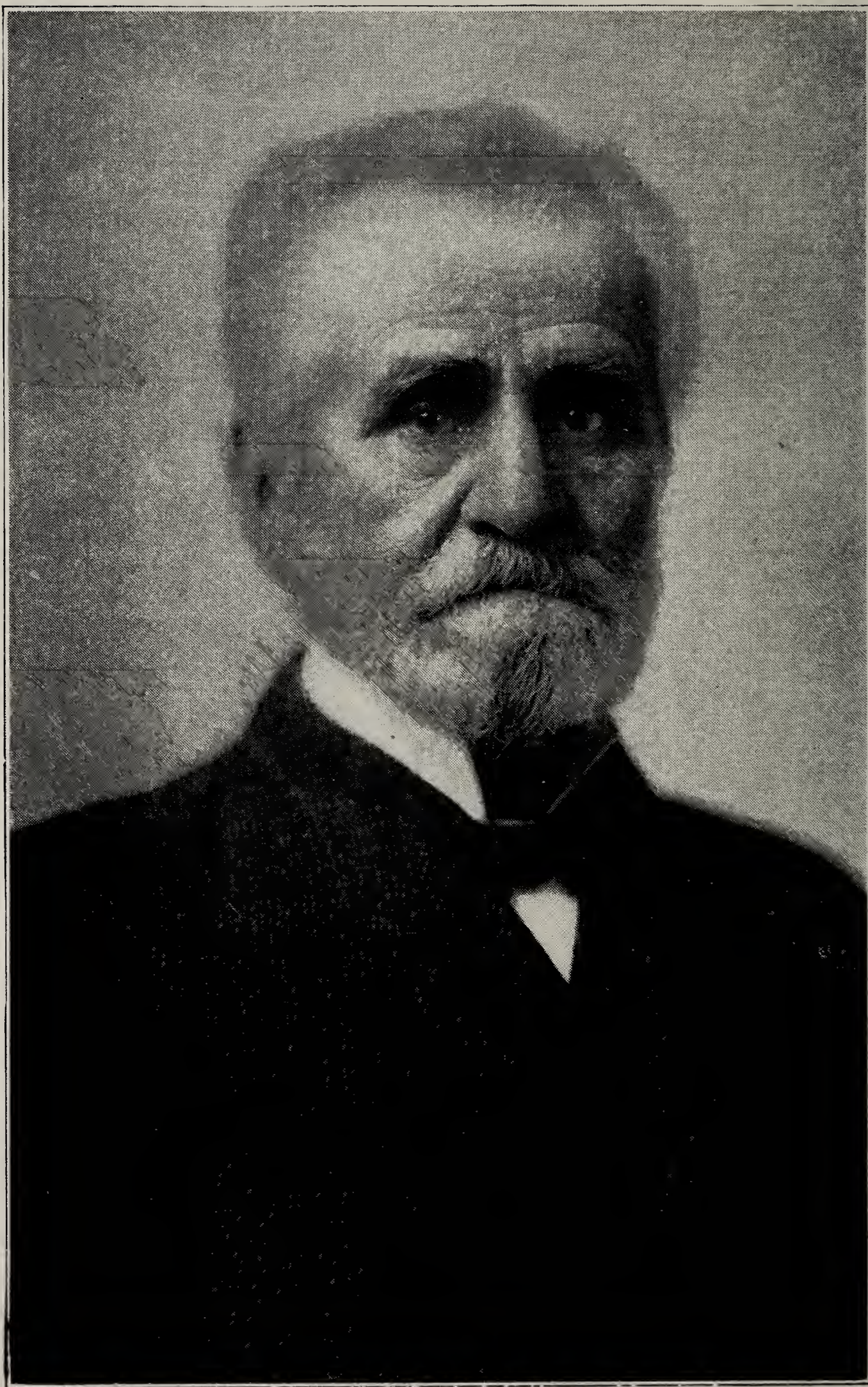
And so Ben's here today,
With his associates in sin,
Trying to send John to prison
To save his own worthless skin.

As might be expected, the defendant was found not guilty.

Mr. Gordon assisted in the prosecution of the case of State vs T. J. Gillaspy, a murder case, and his argument was the best effort of his life, and one of the best speeches ever delivered in the court house. The result of that trial was a complete nervous breakdown for Mr. Gordon, and, although he lived ten years after that, he was not able to again engage in the practice of law.

GEO. S. GROVER

Although he lived in St. Louis county, Mr. Geo. S. Grover attended the Boone circuit court a great many times during the thirty years that he was attorney for the Wabash railroad. Once Mr. Grover represented the Wabash in a change of venue case from Randolph county, wherein the plaintiff claimed that he had received a nervous shock, in a railroad accident, and was disabled. After a favorable verdict for a large sum, the plaintiff went home, joined the base ball team and engaged in that fine sport. In the meantime, Mr. Grover suspected as much, had a representative of the Wabash to take a photograph of the young man, as he went running to first base, and filed a motion for a new trial, accompanied by that picture. It was not necessary for the court to pass on the motion, the case was settled on a reasonable basis.



COL. SQUIRE TURNER

WM. J. BABB

Not only was Wm. J. Babb a good lawyer, but he was an active worker in the Baptist church, and often attended district and state gatherings of that denomination. At one time, Judge Burckhardt, who was also a Baptist, was trying a case, and Mr. Babb was one of the attorneys. A witness was testifying, and Mr. Babb was trying to impeach him out of his own mouth, so to speak. He asked the witness if he had not after dark sold a blind horse to a man named Barnes; and the witness replied, "No, Brother Babb, I did not do that." He was then asked if he had piled up a lot of stumps and brush and built a hay stack over it, and sold the stack of hay; and he replied, "No, Brother Babb, I never did that." Judge Burckhardt then asked why he called the attorney, "Brother Babb." The witness said, "Because him and me are Sunday school superintendents, and members of the Little Bonne Femme Baptist Association."

CAUGHT A LAWYER

In 1875, Prof. Baldwin gave a lecture in the old court house on "Spiritualism Exposed," and did many sleight-of-hand tricks. The crowd in attendance was astonished at the way Baldwin could be tied in a chair, and then release himself in less time than it takes to tell it. One spectator, a Columbia lawyer, offered to bet five hundred dollars that he could tie Baldwin so tight that he could not get loose. The bet was accepted, the money put up, and won by Baldwin; and the legal gentleman then resolved never again to bet on another man's trick.

C. B. SEBASTIAN

Like L. T. Searcy, Arthur Bruton, W. H. Rothwell, Wm. J. Babb, W. S. Pratt and perhaps other Boone county lawyers, C. B. Sebastian was a school-teacher before he practiced law. He was a country school-teacher, and taught school according to the old methods, one of which was the use of the hazel switch.

For some years, Mr. Sebastian was attorney for the public administrator, and also local attorney for the M., K. & T. Railroad.

At the trial of the John Carlisle will case, Mrs. Mary Metcalf, a native of Wales, testified to the good memory and sound mental condition of the testator. Mr. Sebastian, who was trying to break the will, cross-examined this witness, at first asking her if Mr. Carlisle was not getting old. The lady said, "Yes, so am I." Mr. Sebastian then asked if he was not lame. The witness said, "Yes, so are

you. But you are the first person that I have ever heard say that a man's lame leg affected his brain."

While Mr. Sebastian was prosecuting attorney, he made out what he thought was a strong case of assault with intent to kill, against a negro from Providence. The physician described the wound on the prosecuting witness as a dangerous one, and one that would surely have proved fatal, but for his timely and successful treatment. Mr. Sebastian then placed a colored witness on the stand to add the finishing touches to his case; but he proved the salvation of the defendant. The witness said, "The doctor put on his spectacles, looked at the nigger's tongue and said that the nigger had been stabbed. He then unbuttoned his shirt and listened to his heart beat and said that the nigger had been stabbed on the arm. Then he put something in the nigger's mouth, under his tongue, and held his watch on him, and said that the nigger's arm had been bleeding. And then the doctor took off his specks and left the cabin, but he said he expected somebody had better do something, or the nigger might die." The jury gave the defendant sixty days in jail.

Mr. Sebastian argued two cases at one term of the Kansas City court of appeals, while Hon. Jackson L. Smith was presiding judge; and Judge Smith appeared to be a little impatient, and suggested to Mr. Sebastian that his argument should be "cut shorter." The same impatience appeared in Judge Smith when Mr. Sebastian argued the second case that day. At that time, C. B. Crawley, of Chariton county, was a candidate for judge of the court of appeals, to succeed Judge Gill; and, while Mr. Sebastian and other lawyers were sitting around the clerk's office, discussing candidates for that position, one lawyer suggested that Mr. Crawley was hard of hearing. "That is true," said Mr. Sebastian, "but he can hear all that Jack Smith will allow a lawyer to say in this court."

Mr. Sebastian, while arguing a motion in the court of appeals, was so honest in his expression that he caused even that dignified body to laugh. Judge Burnes tried a case in Boone county, and, at the next term of court, made an order by simply mailing the order to the circuit clerk, but the record showed that Judge Burnes was present in person when the order was made. That did not suit opposing counsel, Webster Gordon, who filed suggestions in the higher court, based on the ground that the judge was absent and the order was a nullity. Mr. Sebastian insisted that the record showed that Judge Burnes *was* present, and no one could go back of the record. Judge James Ellison asked if Judge Burnes was present, and again Mr. Sebastian stated that the record showed that he was. "But was he in fact present,"

insisted the inquisitive judge. "Well," replied Mr. Sebastian, "I did not see him there." Judge Ellison remarked that that was sufficient.

Mr. Sebastian is a Methodist and a Knight Templar.

SAM C. MAJOR

Senator Sam C. Major, of Howard county, who died in 1894, was also a regular practitioner in Boone county. In 1890, three young men, Jacks, Roberts and Robinson, were charged with trespass, and, not having any lawyer to represent them, the court appointed Senator Major to defend them. The facts disclosed that they were hunting one night in Bourbon township, discovered a bee tree and cut it down. The tree was situated on the land of a man named Barnes, and the young men declined to divide the honey with Mr. Barnes; hence the prosecution. C. H. Gordon was then prosecuting attorney, Ev. M. Bass was his assistant, and Thos. S. Carter was employed to aid the prosecution. There was no defense to offer; so Senator Major, while opposing counsel was making his argument wrote the following poetical effusion, which was read to the jury:

It was way down in the old county of Boone,
In an old twisted oak that was built for a coon;
Some bees concluded some honey they'd make,
In that old twisted oak that they knew wouldn't shake.

And they worked, and they worked, as you know a bee will
Till soon that old tree with honey they did fill.
When some country lads chanced to be passing along by,
Caught a scent of the bees, as through the air they did fly.

Now these country lads, while they hadn't much money,
Had a lip, and a taste and a longing for honey.
So on a frolic they went to cut down the bee tree,
And divide up the honey between all the three.

And then toward their homes they quickly went back,
And found Gordon, and Carter and Bass on their track.
So now, as our hope and our refuge from these lawyers three,
We ask of the jury to let us go free.

The jury fined the defendants one dollar, which was the lowest punishment the law permitted; but when Governor David R. Francis heard of the case, and especially when he heard of Senator Major's poetry, he telegraphed the sheriff of Boone County, "I was once a

honey bee boy myself, I therefore give all three of them an unconditional pardon."

In 1888, Senator Major was a candidate for re-election to the state senate, from the district composed of Howard and Boone counties. He spoke in the Boone county court house, and was specially sarcastic in reference to the nomination of Benjamin Harrison for president, by the republican convention. Senator Major was renominated and re-elected. He was a natural-born poet, and referred to General Harrison as the "grandson of his grandfather," saying,

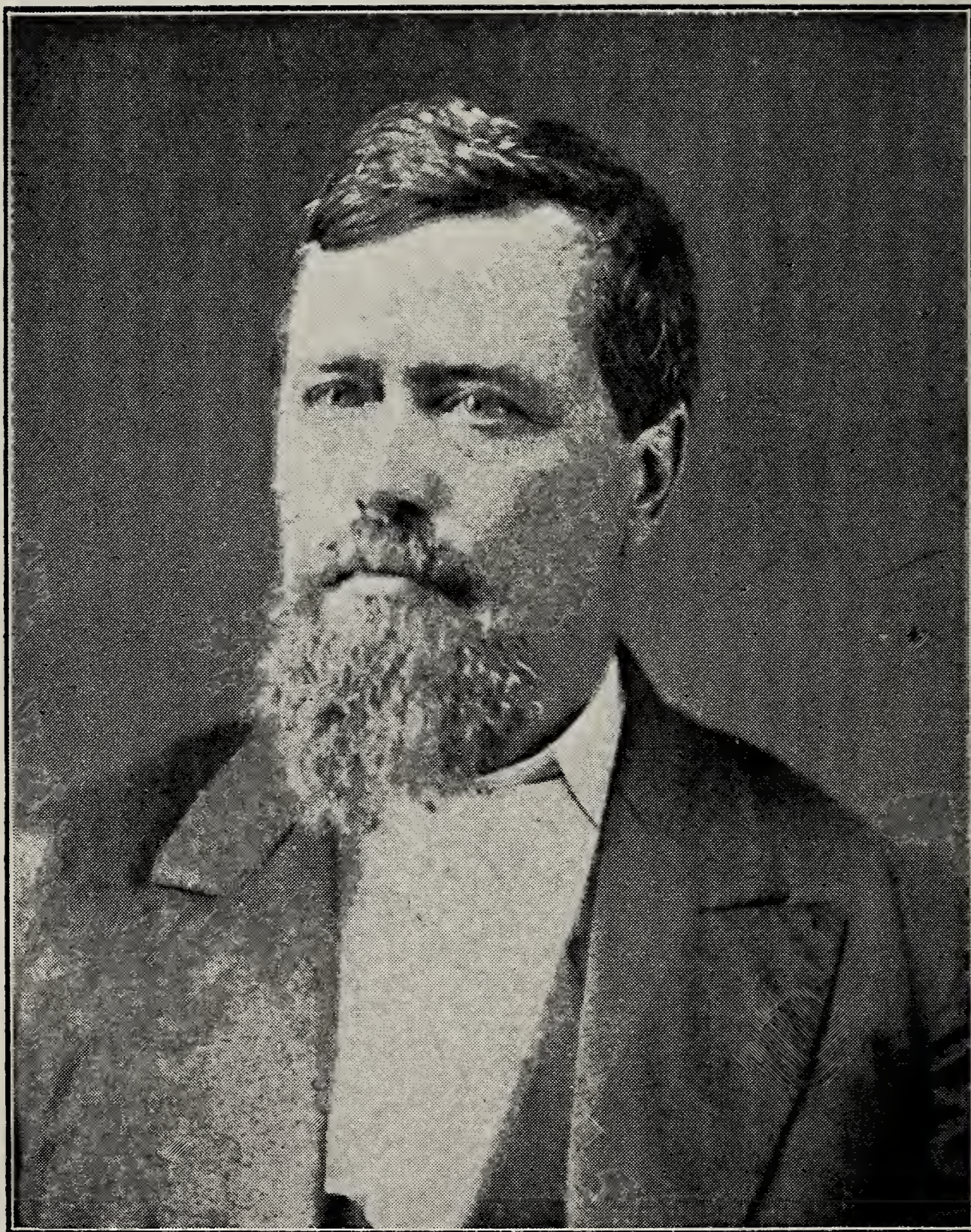
"'Tis not rank, nor power nor state,
But 'get up and git' that makes men great."

Senator Major once represented Willard J. McQuitty, editor of the Rocheport Commercial, in a libel suit, brought by a student of the Missouri University. The plaintiff claimed that an article appeared in that paper, seriously reflecting on his moral character, and that he was specially damaged in the estimation of two young ladies. He testified that, although it was a delicate subject, he felt that it was necessary for him to have a talk and explain matters to those ladies. Senator Major then said that he had only one question to ask, "Were those white ladies?" Although Wm. H. Truitt and Wm. P. Coleman used their persuasive powers to the utmost, the jury found for the defendant.

M. M. JESSE

The only Boone county lawyer who was formerly a shoemaker was M. M. Jesse of Sturgeon. Mr. Jesse began the study of law late in life, and did not have the opportunity to enjoy an extensive practice. He confined his business to the justice of the peace court and the common pleas court; but he occasionally had a case in the circuit court.

Mr. Jesse defended one of his Sturgeon fellow citizens, who was charged with grand larceny, and the main defense was the good character of the accused. One witness after another in the circuit court testified to his good reputation, until the court asked how many more witnesses did defendant have on that subject. Mr. Jesse said, "Oh, the defendant has a great many witnesses on character, but I desire to introduce but one more." All of which occurred in the hearing of the jury. That witness was Samuel N. Yeates, then justice of the peace of Bourbon township. When asked if he knew the defendant's reputation for honesty, he replied in the most dignified manner, "Well, that depends on who you talk to; some people say he's all right, and some people say he's all wrong." The defendant was convicted.



JUDGE BOYLE GORDON

Jos. H. Barnett, formerly of Sturgeon but now of Columbia, says that Monroe Ellington taught M. M. Jesse to read and write just before Mr. Jesse was admitted to the bar, about the year 1877.

It was told on Mr. Jesse that, when he first began the practice, he defended a Jew peddler in the magistrate's court, and the defendant was convicted. As soon as the result of the trial was known, the defendant said that he was going to appeal the case, and was going to employ a lawyer.

WIRT J. WARREN

Wirt J. Warren confined his practice largely to the probate, county and justice of the peace courts, and was a power in the latter court, especially in Cedar township. He was once called on to try a case before a justice of the peace of Missouri township, on change of venue, which was a little out of his territory: so he carried a volume of the Missouri supreme court decisions with him. The justice declined to examine the book, but told Mr. Warren that if he could get a certificate from Wallace Batterton, county clerk, to the effect that that was the law, then he would decide the case in favor of Warren's client. Warren procured such a certificate, and obtained judgment.

After the building of the M., K. & T. railroad in Cedar township, Mr. Warren brought suit in the justice of the peace court against that road for the killing of a bull, belonging to his client, and claimed that the animal was worth one hundred dollars. The railroad's representative argued to the jury that there should be no prejudice against the railroad, because it had cheapened transportation and done so much for the country. "What would this country be without a railroad?" asked the railroad attorney. In reply, Mr. Warren, in thundering tones asked, "What would this country be without bulls?" The jury decided that the animal was worth the amount claimed.

I. W. BOULWARE

For many years, Mr. I. W. Boulware, of Fulton, was a familiar person at every term of the Boone circuit court. Col. Turner nicknamed Mr. Boulware the "Red Fox from Callaway", owing to the fact that Mr. Boulware had red hair and beard.

In August, 1906, the Fulton Sun contained the following, regarding Mr. Boulware:

A Columbia lawyer was in Fulton yesterday, and told a good story on Col. I. W. Boulware's experience before a justice of the peace. "Mr. Boulware and I were engaged on opposite sides of a case in Boone

county and it was necessary to take the deposition of an old lady who lived in the hills near Cedar Creek. Accordingly, one cold day he rode from Fulton to the lady's house, and I rode there from Columbia. On account of the cold weather and the long ride, we were in the proper state for a good dinner, and besides Mr. Boulware makes a specialty of enjoying a good meal. The lady very kindly served dinner, and Mr. Boulware and I then and there showed our appreciation of it. After dinner, Ben. F. McGuire, the justice, appeared and we began taking the deposition. The lady was in hearty sympathy with my side, but she had no use for Mr. Boulware's client. I soon finished asking my questions, but Mr. Boulware's examination was lengthy and, to the lady, very tiresome. When he asked one question that she could not endure, she impatiently said, 'Mr. Boulware, what do you mean, sir, by asking me that question? If I had known that you were going to ask such a question as that, I would not have given you that good dinner.' Mr. Boulware said, 'Well, madam, I will withdraw the question, I may want to stay to supper.' "

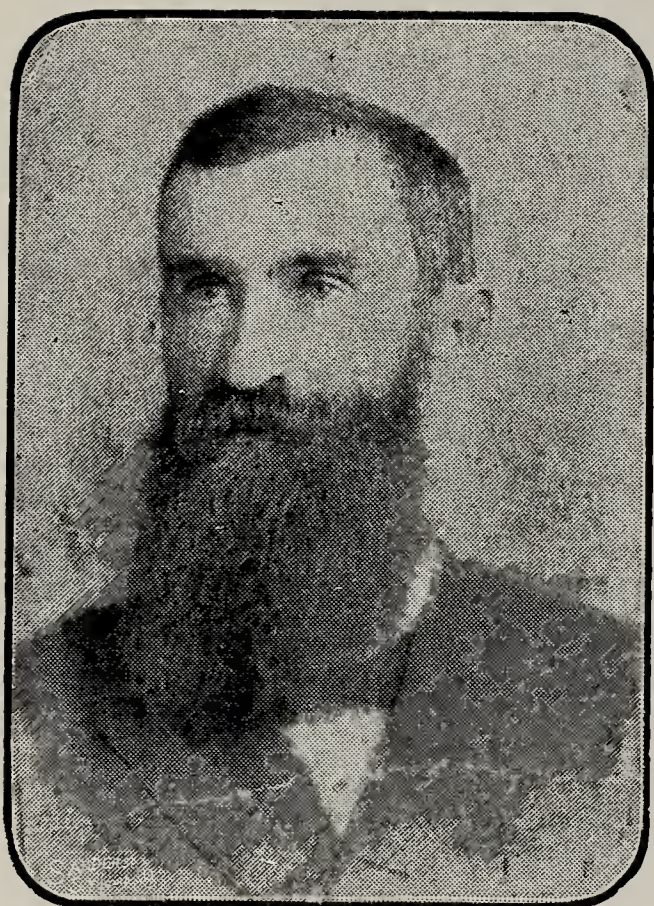
JOE H. CUPP

Joe H. Cupp was recognized as one of the best Boone county lawyers to prepare instructions in a civil case. When in good health, he could make a fine argument, but unfortunately he was in poor health for two or three years before his death.

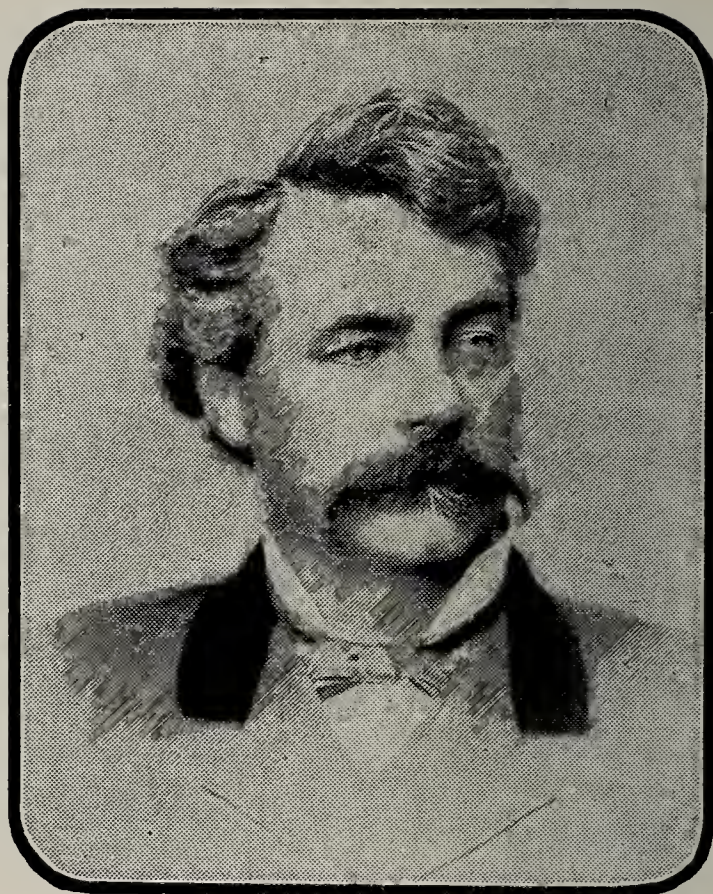
Mr. Cupp knew the people of Centralia township thoroughly, and he was a man of influence before a jury. A lawyer named Edmonston, who was also a farmer, came to Centralia to try a case, wherein a horse trader was charged with swindling an Audrain county farmer in a horse trade. Mr. Cupp represented the defendant, but he realized that his client did not have the best reputation in the world. Mr. Edmonston took the position that no horse trader was honest, but all of them would cheat, lie and steal if necessary. Mr. Cupp was ready for him, and had a number of men subpoenaed from Audrain county, and proved by each one that he had traded horses with lawyer Edmonston. Cupp won the case for his horse trading client.

Mr. Cupp once ran against Mr. Wellington (Wax) Gordon for a county office, and each man played a little on the name of the other. Mr. Cupp said that Boone county should not have an official who was a man of wax. But Mr. Gordon replied that hot wax would knock the bottom out of a tin cup any time, especially one from Centralia.

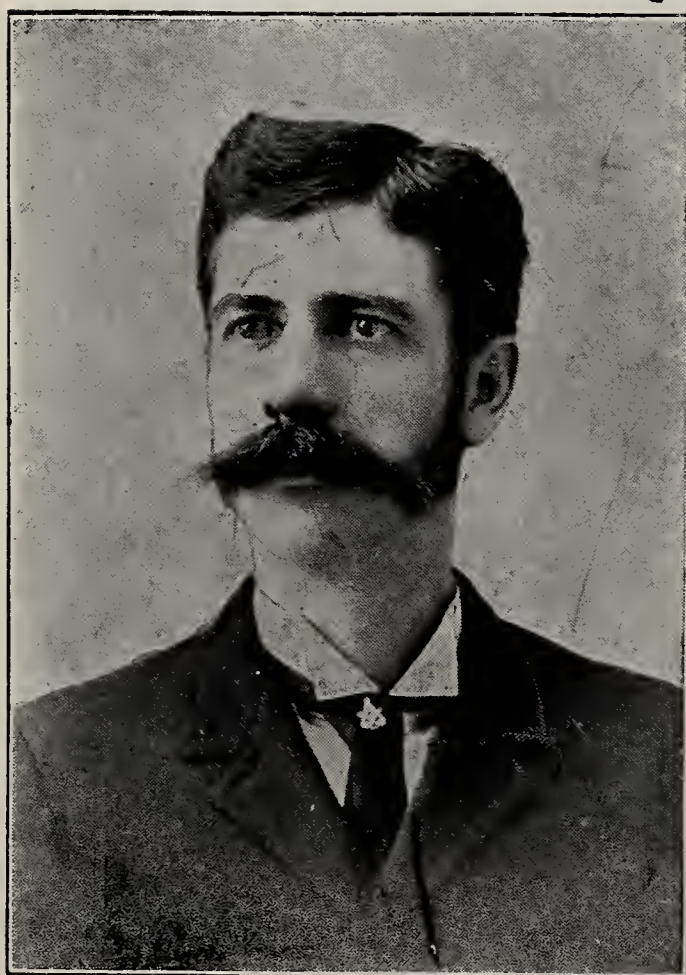
Messrs. J. H. Cupp and Thos. S. Carter are responsible for the following story on P. S. Hocker, J. P., before whom a mule case was



THOS. S. CARTER



JAS. C. GILLESPY



L. T. SEARCY



WM. H. SAPP.

being tried. It seems that Carter asked a question and Cupp objected; and the justice overruled the objection. As soon as the witness started to answer it, Cupp again objected, and the justice sustained the objection, saying, "That is a proper question to ask, but not a proper question to answer."

Justice Hocker was a candidate for probate judge in 1892, and told it at various places that he had been a justice for many years, had tried many cases, written many deeds and taken acknowledgments, and had never made a mistake. Shortly before the primary election, Mr. Cupp spoiled Mr. Hocker's campaign thunder by bringing a suit to reform two deeds, on account of mistakes made by "the scrivener, one P. S. Hocker".

HENRY B. BABB

Henry B. Babb practiced law in Boone county for nine years, and was considered especially fine in the law of contracts and real estate. In 1890, he moved to Denver, where he became assistant attorney general of Colorado; afterwards he engaged in private practice, and made a specialty of mining law.

Mr. Babb made a great hit in a speech delivered in the wire fence lock case. About 1886, Horn's Wire Fence Lock was patented, and county, township and state rights were sold to a number of different people in Boone county; in fact, our people seemed to go crazy over it. It was said that this was a successful way to fasten the corners of the old fashioned rail fence, or worm fence, so that the fence would not be blown down, nor washed down and that stock could not push it down. After the most extensive advertising, and reports of fabulous sums that had been made, many of our citizens were induced to buy territory. In 1888, the fence lock got into the circuit court; see *Burks & Haydon v. Wm. R. Sloan*. The defendant gave his note as the purchase price for the right to sell in Lincoln county, declined to pay the note, claiming failure of consideration, fraud, etc., and this was the case where Mr. Babb spoke so earnestly in behalf of the defendant, and made so much fun of the patent fence lock. One witness said that it was told to him that this patent would make the fence "bull strong, mule high and pig tight". C. B. Wells testified that he went to Kentucky to try to sell farm rights, that he sold one farmer the right to use it on a forty-acre farm, never went back to see how the fence looked, but, as he got enough money to pay his expenses home, he cut a bee line for Missouri. Another witness said that he set up three panels of fence on the court house square, as an advertisement, telling the people the lock would never shrink, but that he soon found out that it did

shrink; so he went around and tightened up the wire by moon light. Jas. P. McAfee said that he used the wire lock on the fences on his Boone county farm; and that he bought the right to sell in Tennessee. Just as he was ready to go to that state, he was detained at home a day by reason of his stock pushing his fence down and getting into his growing corn. In spite of the eloquent efforts of Eli Penter and C. B. Sebastian, who told of the solemnity of a written contract, Mr. Babb gained the case.

Messrs. Henry B. Babb and J. G. Babb, brothers, graduated in the University law class of 1881, and one of them was first honor man and the other second honor man in that large class.

H. S. BOOTH

Mr. E. C. Anderson tells the following on Mr. H. S. Booth: "While I was practicing law in Centralia, a case was tried before J. K. Boyd, justice of the peace, and Mr. Booth represented a plaintiff who brought suit against a young man for some goods he had bought. The only defense that I could interpose was that the boy was under twenty-one; so that was our plea. Mr. Booth, in addressing the jury, said, 'Gentlemen, I am fearful that when Mr. Anderson attempts to collect his attorney's fee, his client will still plead infancy. If he does, he will find himself in the situation of a certain lawyer who had a client who was charged with stealing sheep. That lawyer, after hearing the facts from his client, said that the only one way for him to be acquitted was to feign insanity, and on the witness stand to say "Baa" to every question. The client followed the instructions and was acquitted; but, when this attorney demanded his fee, the defendant continued to say, "Baa." Thereupon the father of the minor, who was seated in the rear of the court room, arose, threw off his coat and started for Mr. Booth, saying excitedly, 'I will teach you how to accuse my boy of stealing sheep.' It required the united efforts of justice, jury, constable and spectators to keep the father from striking Mr. Booth."

When Mr. Booth was a young lawyer, Joe H. Cupp played a great trick on him in the justice of the peace court. It seems that Booth represented the plaintiff, and Cupp the defendant; and they rode together out to the school house, where the trial was to be. On the way, Cupp told Booth that a certain man named Jackson out in that neighborhood had the reputation of being on one side or the other of every case. When they reached the school house, Booth saw this man Jackson, but he declined to use him, hoping that Cupp would use him,

and then Booth would bring out the fact that he was a standing witness. As Jackson was a material witness for the plaintiff, of course Cupp did not use him; and Booth lost the case.

EV. M. BASS

The father of Ev. M. Bass was Col. Eli E. Bass, the wealthiest man in Boone county. After the death of Col. Bass, his sons had reverses, and all of them became bankrupts, and Ev. Bass was never able to either make or accumulate any money. Though raised in luxury, Mr. Bass' financial losses did not sour him, neither did he seem jealous of his more fortunate brothers; he was universally considered as an "all 'round good fellow". Mr. Bass was intensely interested in politics, an active democrat, but never able to be elected either prosecuting attorney or representative, for which positions he was often a candidate. He was frequently a delegate to state and congressional conventions; and he was elected doorkeeper of the state senate, and sergeant-at-arms of the house of representatives. In his campaigns in Boone county, he always had trouble at home, either in Ashland or Cedar township. During one of his races, his opponent was Joe H. Cupp, of Centralia; and Mr. Cupp boasted that he intended to "scrape all of the scales off of the Ashland Bass." Mr. Bass replied that the Bass had two qualities; first, it was the swiftest fish afloat; and, second, it made a habit of swallowing minnows and suckers by the cupfull.

Mr. Bass was a farmer the first part of his life, and had a number of negroes in his employ. About the time his financial reverses came, one of his old negroes got into a difficulty, and was arrested. As the negro had no money to employ a lawyer and as Mr. Bass had no money to loan him, Mr. Bass determined to defend the negro himself. He did so and cleared him; so Ev. Bass the well-known farmer became Ev. Bass the well-known lawyer.

Mr. Bass defended Robert Coleman, colored, who was charged with killing another negro; and the court gave instructions on the subject of murder and manslaughter. Prosecuting attorney J. H. Murry insisted that the defendant was guilty of manslaughter, and Mr. Bass earnestly argued that he was not guilty of manslaughter. When the jury retired, there was one man on it who thought he had served on enough juries to be a pretty good lawyer, and he talked thus to the other members: "Now I do not agree with the state's attorney because I do not think this defendant intended to slaughter a man, like he was a hog; so let's convict him of murder in the second degree, and give him two years in the penitentiary." This was agreed to, and a verdict re-

turned to that effect. Thereupon, as provided by statute, the court raised the defendant's punishment to ten years in the penitentiary, which was the lowest punishment for that offense. An effort was made to get Governor Dockery to pardon him, but he allowed the defendant to serve his term.

For many years a negro named Addison has been janitor of the Kansas City court of appeals, and he is an acquaintance of all the lawyers of that district, and has often rendered little services for them. Mr. Bass knew Addison, and their relations were friendly. One day Bass said, "Well, Addison, you have been here a long while, and I suppose by this time you are a pretty good lawyer." To which the old darkey replied, "No, sir; I am not a good lawyer; but I am like some lawyers, I carry the law around in my arms, instead of in my head."

Mr. Bass told the following on himself, illustrating how hard it is to please the people. "I thought I was 'called' to run for the legislature, and I immediately got ready to answer the call. I visited an influential farmer friend down in Cedar, told him of the great pressure that was being brought to bear on me to make the race; but that of course I would do nothing till I had first advised with my best friends, etc. The farmer replied, 'Well, Ev., I can't vote for you, because you drink too much whisky; and if we should send you to the state capitol, it would be the worst thing we could do for you.' I then visited an influential farmer friend up in Rocky Fork, confided my ambitions to him and sought his advice politically. Before he could speak, I said, 'Some persons have said, that I drink too much whisky; but I want to tell you that I have quit and never intend to take another drink.' This farmer replied, 'Well, Ev., I can't vote for you, for I don't think that any man who talks that way has sense enough to represent our people.' "

W. ARCHIE BEDFORD

In 1887, a few months after Mr. Bedford began the practice, he was appointed to defend Enoch Ellis, a Cedar township negro, who was charged with an assault on Mary Ellis, of the same color and from the same township. Enoch as well as Mary enjoyed a bad reputation. When the State had closed, Mr. Bedford started to put the defendant on the witness stand, but Judge Burckhardt announced that court would take recess for a few minutes. The judge then had a talk with the defendant's attorney, and cautioned him not to put the defendant on the stand, as the State would then be entitled to impeach him, and had the record showing where he had been sent to the penitentiary twice. So Mr. Bedford simply introduced witnesses who testified to con-



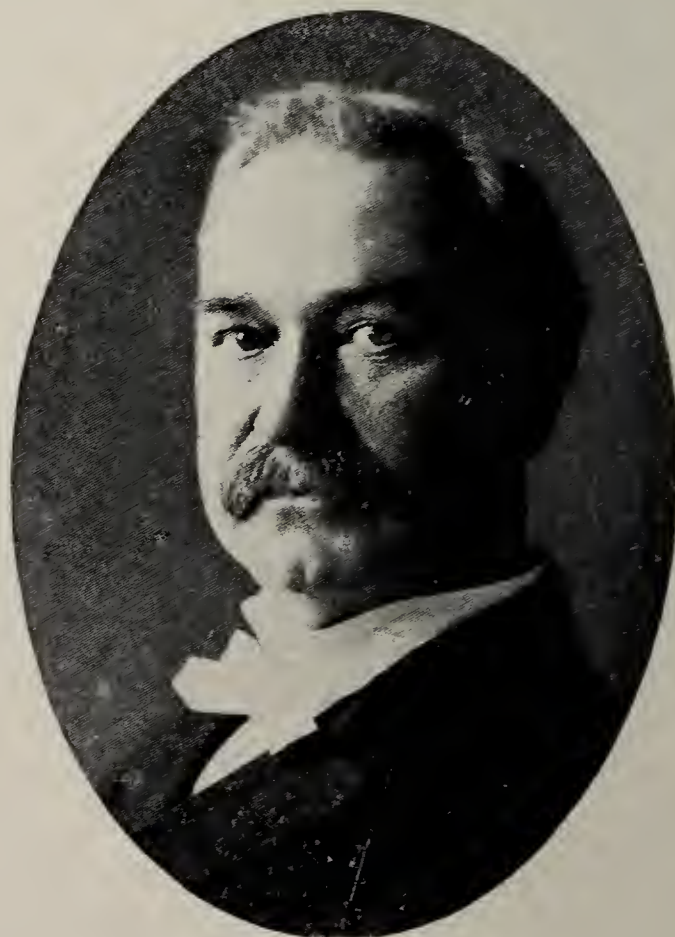
HARVEY D. MURRY



H. A. COLLIER



THOMAS B. GENTRY



JAS. L. STEPHENS

tradictory statements made by the prosecuting witness, and also testified to her bad reputation. The last witness was Barney Harris, who was hard of hearing, but he was in sympathy with the defendant and endeavored to help him. Mr. Bedford wanted to get Mr. Harris to tell when some minor matter occurred, and Mr. Harris could not give the date. After trying his best to recall the time, he said, "Oh, I can tell you when it was; it was just after Enoch (the defendant) came back from the penitentiary the last time." The jury gave the defendant fifty years in the penitentiary, but Judge Burckhardt reduced the punishment to twenty-five.

As stated elsewhere, Mr. Bedford was public administrator, and he had charge of a number of estates. He was called on to represent a defendant who had a difficult case, and about all he could do was to deny everything—the general denial in reality. It was necessary for the plaintiff to prove the death of a man named Haden, and Bedford did not think he could prove that. So when the plaintiff testified that Haden was dead, Mr. Bedford asked if he saw Haden die, if he saw Haden after he was dead and if he attended Haden's funeral. To all of which, the plaintiff replied in the negative. "Then," said Mr. Bedford, "how do you know he is dead?" "Because, you administered on his estate", said the witness. The court held that was sufficient.

Not only was it said of Mr. Bedford that he could not read his own writing after it was "cold," but Judge John Hinton went a step farther, when he said "Bedford can write with either hand (which was true) but it may well be said that each hand knoweth not what the other doeth."

Mr. Bedford died in 1894, having been engaged in the practice of law only seven years.

WM. H. TRUITT, JR.

Wm. H. Truitt, Jr., is the only Boone county lawyer to engage in the fruit business. His home is now in Los Angeles, California. Mr. Truitt was active in the law practice here for several years, and made a specialty of commercial law.

Some Centralia parties were interested in a will contest, and Mr. Truitt represented the contestants. All of the deceased's estate was, by the alleged will, given to one son; hence the complaint. While on the witness stand, the son testified that the reason for this seeming unjust discrimination was due to his signing his father's note at a certain Centralia bank, some years before, and that he (the son) had to pay the note to the bank. As soon as that testimony was brought out, court took noon recess, and Mr. Truitt had a subpoena issued for

the cashier of that bank, and served it on him over the telephone. Shortly after court convened, Mr. Truitt had the cashier in court, and he testified that the bank never made such a loan, and that the time when the son testified that the money was borrowed from the bank was before the organization of the bank. The will was set aside.

During one of Mr. Truitt's races, some one volunteered to make a speech against him. He said that Mr. Truitt was not in sympathy with the common people, that his father was a rich man and made his money by loaning money to "white-oak farmers." Mr. Truitt replied, "Yes, but he never made any of his money playing poker."

J. L. STEPHENS

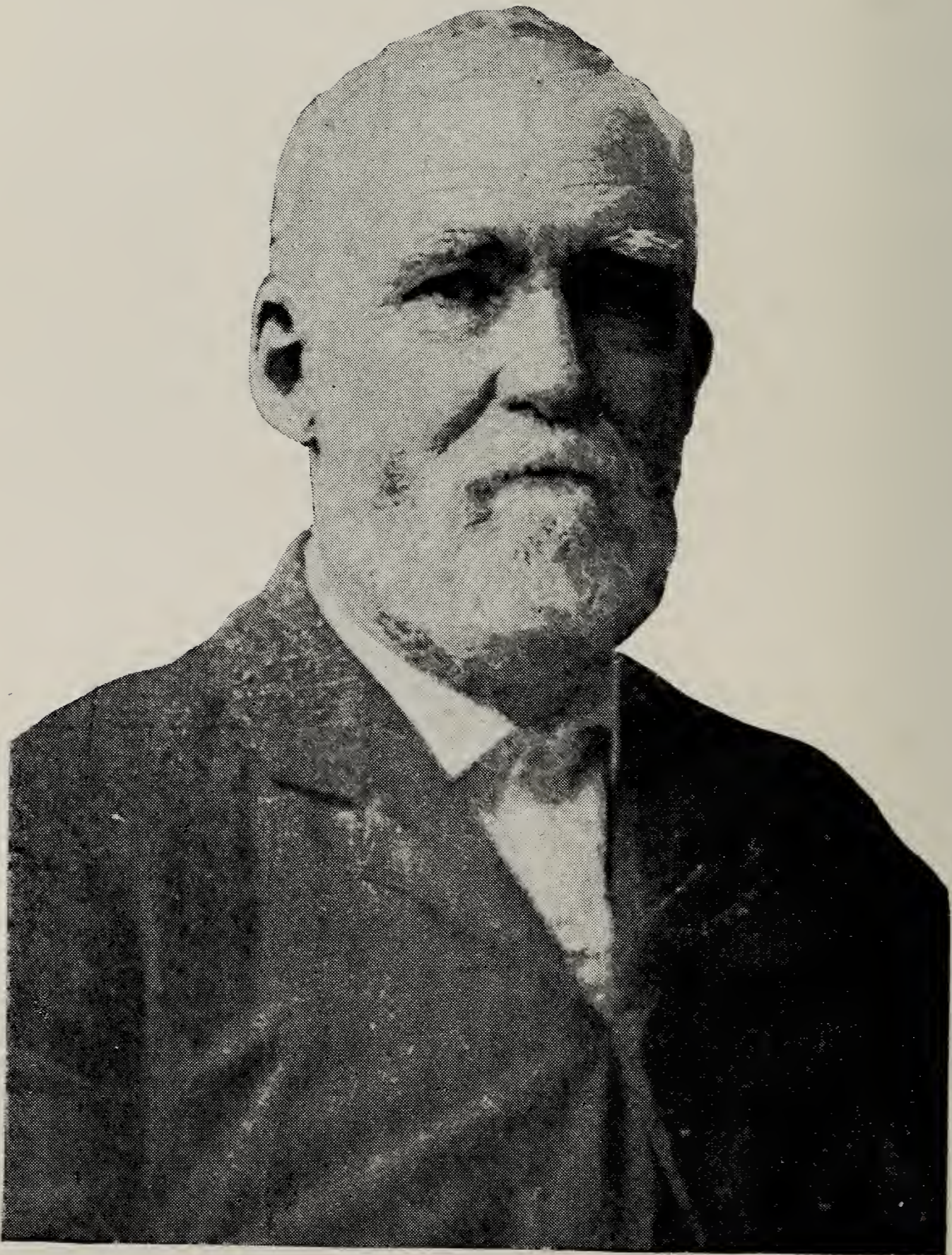
Jas. L. Stephens is a native of Boone county, and belongs to the well-known Stephens family.

On one occasion, Mr. Stephens cross-examined a young negro named Jeff Davis, who had shown himself to be an important witness for the state in an assault case. Jeff was very careful in his statements, and often repeated the question in answering it. Mr. Stephens tried to get Jeff to say just where the prosecuting witness was standing, at the time of the cutting; but Jeff said he did not know. After repeating two or three times that he did not know where that party was standing, Jeff said, "I know he was not standing up agin the fence." "Well," said Mr. Stephens, with a tone of victory in his voice "if you don't know where he was standing, how do you know he was not standing up against the fence?" "Because," said Jeff, "there wasn't no fence there."

Mr. Stephens was attorney in a divorce suit for a colored client, and he placed Tom Ridgway, one of plaintiff's neighbors on the stand. This witness was asked by Mr. Stephens what kind of a husband and provider his client was. The witness replied, "Well, sir, he was a mighty good provider for his family. I passed his house and saw them picking chickens nearly every day. I don't know where he got them, but he always got them some place."

Mr. Stephens was connected with one case that was long drawn out, and passed through various courts, a hung jury, etc. At the last trial, an ignorant fellow, who had been a witness at each trial, was asked by Mr. Stephens to state his occupation. His answer was, "Well, sir, for the last two years, I have been attending court."

Mr. Stephens was retained to defend a man charged with stealing corn during the nighttime. One witness for the state testified that he saw the defendant in the act and recognized him, as the moon was



J. DeW. ROBINSON

shining. Seeing a druggist friend in the court room, Mr. Stephens asked him to get an almanac and see if the moon was shining that night. The druggist did so in haste and told Mr. Stephens that it was not. Then Mr. Stephens placed the druggist on the stand, handed him the almanac and asked if the moon was shining that night; to which the druggist replied that it was. "Did you not tell me just now that it was not?" inquired Mr. Stephens. "Yes," said the witness, "but I was looking at the wrong month." A verdict of guilty was the result.

Mr. Stephens assisted in the prosecution of Frank Phillips, who was charged with murder, the crime having been committed at a colored dance. Col. Turner represented the defendant, and he claimed that the defendant was trying to take his pistol out of one pocket and put it in another, but that it caught in his pocket and was accidentally discharged. Mr. Stephens ridiculed such a theory, and took the pistol and attempted, during his argument, to show the jury that such a thing was impossible. But, when he tried to remove the pistol from his pocket, it caught in the lining, and it was with the greatest difficulty that he could ever get it out. The result was that the jury did what Col. Turner asked, convicted the defendant of manslaughter.

On account of the color of his hair, Col. S. Turner, who nicknamed most of the Boone county lawyers, called Mr. Stephens "Golden Rays of Sunset". Col. Turner gave to the other members of the bar the following names:

Odon Guitar: "An Ode to the Guitar"
Edward W. Hinton: "Prince Edward"
Wellington Gordon: "Duke of Wellington"
Wm. J. Babb: "Billious Babb"
Ev. M. Bass: "Old Billards"
J. DeW. Robinson: "Robinson Crusoe"
C. B. Sebastian: "Sebastiana"
N. T. Gentry: "The Deacon's Toddy"

N. T. GENTRY

N. T. Gentry was in 1900 the nominee of the republican party for judge of the Kansas City court of appeals, but was defeated; and on this hangs a tale. Less than a year thereafter, an old acquaintance of his began loafing around his law office and staying there day after day till he got to be a regular nuisance. It was discovered that the visitor was gradually losing his mind, and perhaps was not responsible for anything that he did. After standing him for weeks, Mr. Gentry said to him, "Look here, my friend; I am always glad to have people

come to see me; but I am also glad to have them go sometimes. By coming here so often and staying here so long, you interfere with my business." His visitor promptly said, "Well, well; I did not know that you had any business to interfere with." Mr. Gentry, with some indignation replied, "Well, sir; I will be the judge of that." And the insane man said, in leaving, "I knew you wanted to be judge, but I did not know that you were qualified."

Like many other young lawyers, when Mr. Gentry began to practice, he had a number of notices printed, and he would put one on his office door every time he left his office. One card read as follows: "At dinner, will return in thirty minutes." Owing to the distance that he lived from his office, it was impossible for him to return in that time, but the card was a good advertisement, so he thought. An old man who knew him well, and had been compelled to wait much longer than thirty minutes, added to the card, the following:

"Of all the liars, great and small,
The thirty-minute liar beats them all."

Mr. Gentry once represented a man, who lived near Rock Bridge and had a misunderstanding with his neighbor, regarding a horse trade; and, as usual, the witnesses testified pro and con. An effort was then made to impeach the standing of Mr. Gentry's client; and, in turn, an effort was made to sustain him. The client's mother-in-law was called on to testify to his general reputation for honesty and veracity. She qualified as an expert, having been married three times, and having five sons-in-law, and then said, "Well, Mr. Gentry, he is a good man; but he is like all men, he will bear watching a little."

Mr. Gentry was attending the Missouri University when the law students were first called "mules", by which name they have ever since been known. Although he tried many mule cases, Mr. Gentry says that he has never owned a mule, but he came near owning one once. A client gave him a chattel mortgage on a pair of mules to secure a fee; but, after he had cleared his client, Mr. Gentry learned that one mule had been sold and the other was dead at the time the chattel mortgage was given.

William Jackson Gilmore, usually called "Babe" Gilmore, was known in and around Providence as the funny man; not because he wanted to be funny, but because he could not help being. In a case that Mr. Gentry brought against the M., K. & T. railroad for killing three horses shortly after the road was built, Gilmore was the witness as to the value of the animals, and Gentry's client assured him that Gilmore would put the price high enough. After stating that his name was Bill sometimes and Jack sometimes, Gilmore was asked regarding

his knowledge of the value of the two sorrel horses. To the astonishment of Mr. Gentry the witness wanted to know which one he meant, the old one or the blind one. The witness then said, "Well, both of them was lame; if they hadn't been, the Katy train never would have cot 'em." Mr. Gentry then ventured to ask about the third, which was a dun horse; and the witness replied, "He was a mighty good horse, before he got sick, but he had been sick for some time, about a year and a half." During the noon recess that followed, Mr. Gentry agreed on a compromise with Geo. P. B. Jackson, attorney for the railroad.

Another story is told on Mr. Gentry and a man named Owen Ready, an Irishman who lived near Deer Park. After testifying in a case in which Gentry was one of the attorneys, Ready took a few drinks. He was a man of strong feelings and prejudices, and was usually active on one side or another. Some one told him that he must claim his attendance as a witness; so he returned to the court room for that purpose. When asked whether he was summoned as a witness for the plaintiff or the defendant, his answer was, "I don't know which side I was on; but I know I was against that man Gentry."

Mr. Gentry told of his experience shortly after he graduated from the law department of the State University. "I had finished Bliss on Code Pleading," said Mr. Gentry, "but I did not know a thing in the world about pleadings. My first case was a suit on a note in the justice of the peace court of W. S. Pratt, so I hunted up Constable Jno. C. Schwabe and learned from him how to bring the suit. My ignorance in such matters has perhaps been a benefit to others, for President R. H. Jesse heard of this incident, and obtained my permission to write an article on that subject, which he read to a gathering of law teachers and college presidents, and now the practice court in the law department is the result."

Judge Nick M. Bradley, of Johnson county, held one term of court for Judge Waller in 1908, and tried an insurance case, in which Mr. Gentry represented the plaintiff. At the close of the plaintiff's evidence, Messrs. E. W. Hinton and Boyle G. Clark filed a demurrer. In arguing the demurrer, the court said that there was no evidence to show any contract; to which Mr. Gentry remarked that the court had overlooked the evidence of the plaintiff; that the plaintiff testified to certain things. The court promptly replied, "I bet you ten dollars he did not." Attorney Hinton suggested that it was proper for counsel "to either put up, or shut up".

In 1892, Mr. Gentry, then a young lawyer, spent most of the summer preparing a brief in a case in the court of appeals. He turned his

manuscript over to E. W. Stephens, who then conducted a printing and publishing establishment just across Walnut street from the court house, and that evening Mr. Stephens' entire plant burned. From that time, Mr. Gentry has written his briefs in duplicate, and each evening he takes home a copy of his day's work.

Like some other lawyers and judges of Boone county, to-wit, Odon Guitar, Wm. F. Switzler, E. C. More, Squire Turner, Jas. M. Gordon and Ben M. Anderson, N. T. Gentry was a candidate for congress, and he was nominated by the republicans in 1914, but was defeated by Judge D. W. Shackelford, of Cole county.

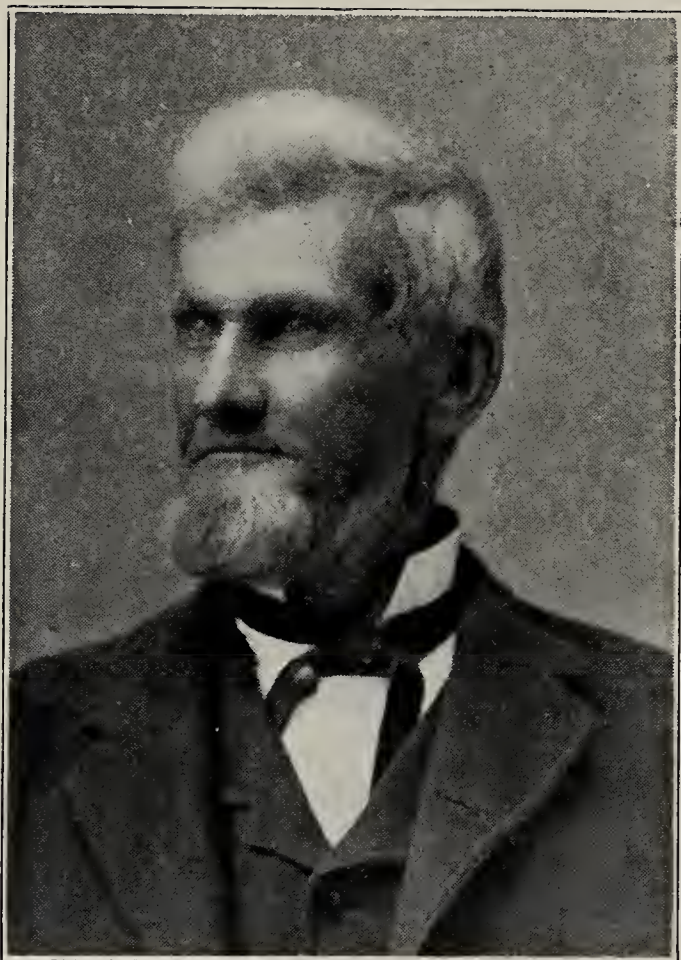
In November, 1914, the supreme court appointed Mr. Gentry commissioner to take testimony in one of Attorney General Barker's antitrust prosecutions.

WEBSTER GORDON

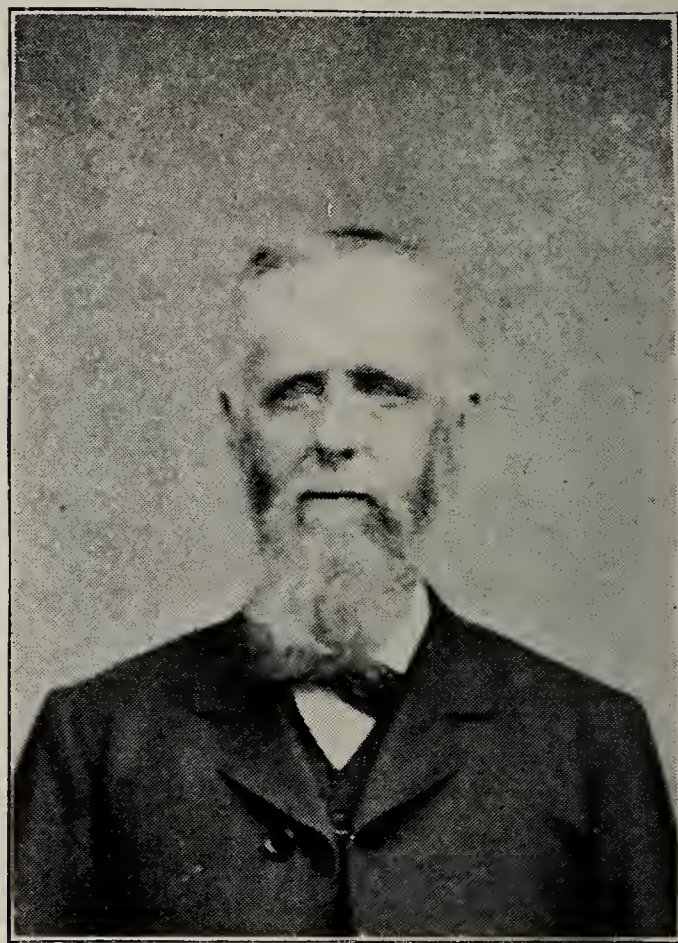
Webster Gordon, a member of the well-known Gordon family of Boone county, a family of lawyers, was usually very careful to acquaint himself with what his witness would swear to, before placing the witness on the stand. But he made a mistake once.

Mr. Gordon once represented a farmer who claimed that the M., K. & T. railroad had damaged him by building a bridge across a creek, thereby causing the water to overflow the banks and injuring the soil. His client gave him the name of a river bottom land expert, who was well acquainted with the plaintiff's land; and the gentleman was placed on the witness stand at the trial. After drawing out from the witness the fact that he was well acquainted with land in the southern part of Boone county, Mr. Gordon asked him about this land. The witness replied, "Well, sir, that was what we called 'craw fish' land, and I sold it some years ago because I did not think it worth much." Mr. Gordon looked at his client in disgust; and his client assured him that the witness told him that he considered the land valuable, that it had been damaged and that he would so testify. Mr. Gordon said, "When you get hold of such a witness, the way to do is to make him write down and swear to his testimony, and then give bond that he will continue to swear to it in that way." During the adjournment of court following, Mr. Gordon and Mr. Geo. P. B. Jackson, attorney for the railroad, agreed on a compromise, which was a most unusual occurrence.

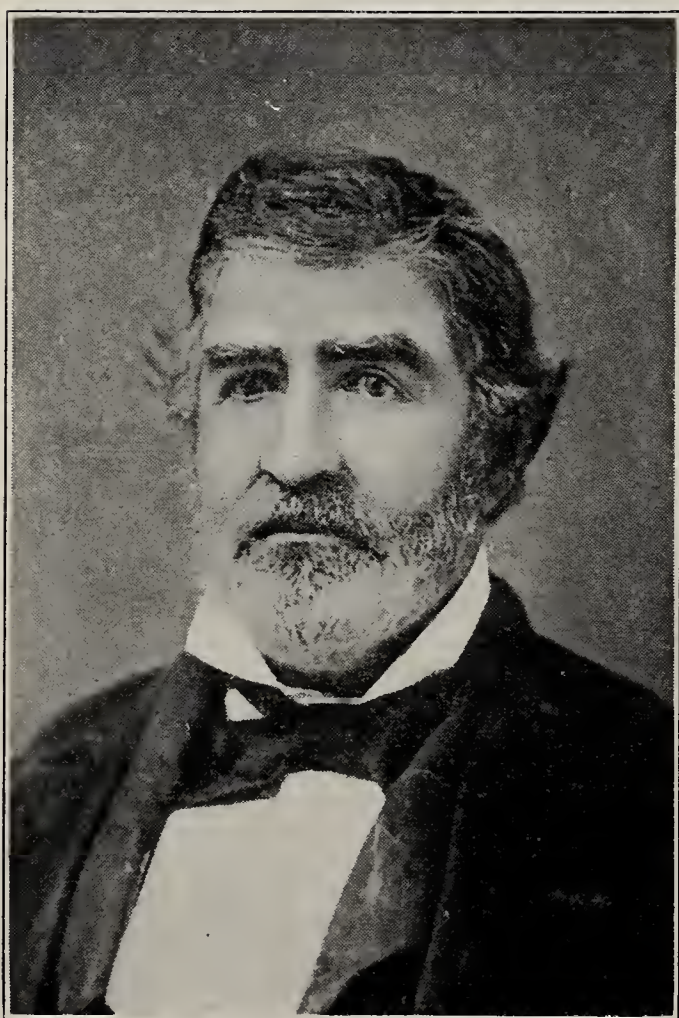
For some time after the M., K. & T. road was built, its track was not in good condition and its trains, especially freight trains, were compelled to travel slowly. Mr. Gordon and Mr. Jackson were sparring at each other in the justice of the peace court, and Gordon said that he



COL. FRANCIS T. RUSSELL



MAJ. A. J. HARBISON



CAPT. F. F. C. TRIPLETT



COL. JAS. H. MOSS

was going to bring suit against the railroad for killing a valuable English foxhound. Mr. Jackson quickly replied, "If you do, I will deny that he was an English foxhound because he was running a rabbit. Besides he was a trespasser on our right-of-way and chasing one of our valuable rabbits." Mr. Gordon as quickly retorted, "The only circumstance against his being a full-blooded English foxhound is the fact that he did not run fast enough to get out of the way of one of your old trains."

Mr. Gordon was one of the attorneys who tried to break the will of John Carlisle, deceased, and to him was assigned the duty of cross-examining a certain maiden lady who testified that the testator was of sound mind. After asking her if she had ever studied medicine, and receiving a negative reply, Mr. Gordon wanted to know how she knew the old man's mind was sound. The lady replied, "Oh, I think his mind was as sound as any man's."

Mr. Gordon represented a plaintiff who compromised a damage suit without his consent, and then suit was brought to set aside the compromise, on the ground of fraud and misrepresentation. It came out in evidence that the plaintiff was induced to make the settlement by reason of a statement made to her by the defendant to the effect that plaintiff's attorney, Mr. Gordon, "had the face of a convict and the heart of a goat". The court set aside the settlement.

While Webster Gordon was justice of the peace, a case was tried before him, and Wellington Gordon was attorney for the plaintiff, and Carey H. Gordon was attorney for the defendant, and Scott D. Gordon was foreman of the jury.

THOS. S. CARTER

Thomas S. Carter, editor, court official and city official of Sturgeon, was one of the best known and most useful men in the northern part of Boone county. He took an active interest in politics, held important clerkships during several sessions of the Missouri general assembly and was twice a candidate for the democratic nomination for representative.

Mr. Carter was often employed as attorney for petitioners or remonstrators in road cases arising in Bourbon, Rocky Fork and Perche townships. At the January term of the county court one year, he apologized for appearing in another road case, saying, "I made a resolve at the beginning of this new year not to accept of employment in another road case; but like a good many other new-year's resolutions, I have broken it. And here I am, today, belly deep in three road cases."

Mr. Carter told of a tie chopper from near Harrisburg, who once wanted to employ him to defend an attachment suit before a justice of the peace. The amount involved was so small, the weather so disagreeable and the roads so bad, that Mr. Carter told his client that there was no use to have a lawyer in that court, as the justice would of course decide for the plaintiff; but he could take an appeal. Accordingly Mr. Carter prepared a plea in abatement, had the defendant sign and swear to it, and instructed him to file it with the justice the day the case was called. When the justice opened court at the school house, the plaintiff and his witnesses were on hand, and the defendant told the justice that he did not have any lawyer nor any witnesses; but wanted to file a plea in abatement. The plaintiff, who had no lawyer, was very much surprised, and asked the justice what that meant. The justice replied, "I don't know what it is, but it knocks thunder out of your case. Judgment for the defendant."

Mr. Carter was one of the attorneys in the Hombs & Barnett cases, which were attachments against some Harrisburg merchants by St. Louis wholesale houses, with a bank and some individuals as interpleaders, an alleged fraudulent deed of trust, etc. The cases were on the court docket for ten years, one case went to the supreme court and another to the court of appeals. Finally, after the death of one trustee, the resignation of another trustee, and an innumerable number of other complications, the cases were compromised. Mr. Carter then said that he felt like that compromise had destroyed the source of a large part of his income.

Mr. Carter brought suit in the circuit court in behalf of Greene and Fountain, two live stock shippers, against the Wabash railroad for damages, on account of delay in the shipment of cattle. The case was tried once, but at the close of the evidence, a nonsuit was taken. Another suit was brought by Mr. Carter in behalf of the same two men, and another trial was had. After making out what he thought was a strong case, just before closing, Mr. Carter placed one of his clients on the stand, and accidentally it came out in his testimony that these cattle belonged to four men, Greene, Fountain, Boothe and Bartee. Of course the railroad attorney was ready with a demurrer to the evidence, and stated that he was taken by surprise. Mr. Carter said, "Yes, I suppose the defendant and the defendant's attorneys are taken by surprise, and I suppose the court is taken by surprise, but no one in or about this case is half as much surprised as I am. I have had forty talks with my clients about this case, and this is the first time I ever heard of Boothe and Bartee having an interest in these cattle."

Mr. Carter usually carried a little grip when he attended court, and also from town to town during the county campaign. He made one race for the legislature against Capt. J. W. Kneisley, who was good at poking fun at his opponents, especially a lawyer. One statement made by Kneisley was challenged by Carter, who went down into this little grip for a document to prove his side. But he failed to find the document, and that gave Kneisley a chance to come back. He said that he had often heard of a lawyer being called on to prove his character, but this was the first time he ever heard of a lawyer carrying his character around in his carpet bag.

During this speaking, which was in the court house, the evening was very warm and Mr. Carter frequently took a drink of water. Captain Kneisley, in his reply, said that Mr. Carter had the first wind mill ever run by water power.

E. W. HINTON

Edward W. Hinton was the only Boone county lawyer to graduate in the Missouri University and also at the Columbia University Law School; he also studied abroad one year. After enjoying a general practice, and as attorney for the Wabash and Burlington railroads, he was made teacher, then dean of the Missouri University Law School. He served often as special judge of the circuit court of Boone, Callaway and Cole counties. He was appointed referee in some important cases, notably the suit against the bondsmen of the treasurer of State Hospital at Fulton. He is now a teacher in the Chicago University Law school.

In 1910, there was a vacancy on the supreme bench of Missouri a short time before the November election, and it became necessary for the political parties to nominate candidates. Dean Hinton was supported by a number of his friends, and he secured some votes from the democratic committee; but the nomination was given to Judge H. C. Timmons, of Kansas City.

Judge Hinton and Mr. Webster Gordon once brought suit against a man for slander, to-wit, accusing the plaintiff of stealing nineteen turkeys. They placed a witness named Brown on the stand, and he proved to be an unfriendly witness for the plaintiff. He was asked if the defendant stated, in his presence, that the plaintiff had stolen his turkeys, and Brown replied, "Not exactly. He simply detailed the circumstances, and I formed my own conclusion." The jury found for the defendant.

In 1906, Judge Hinton presided at the trial of the slander suit of Sam B. Cook v. Pulitzer Publishing Co. A severe thunder storm in-

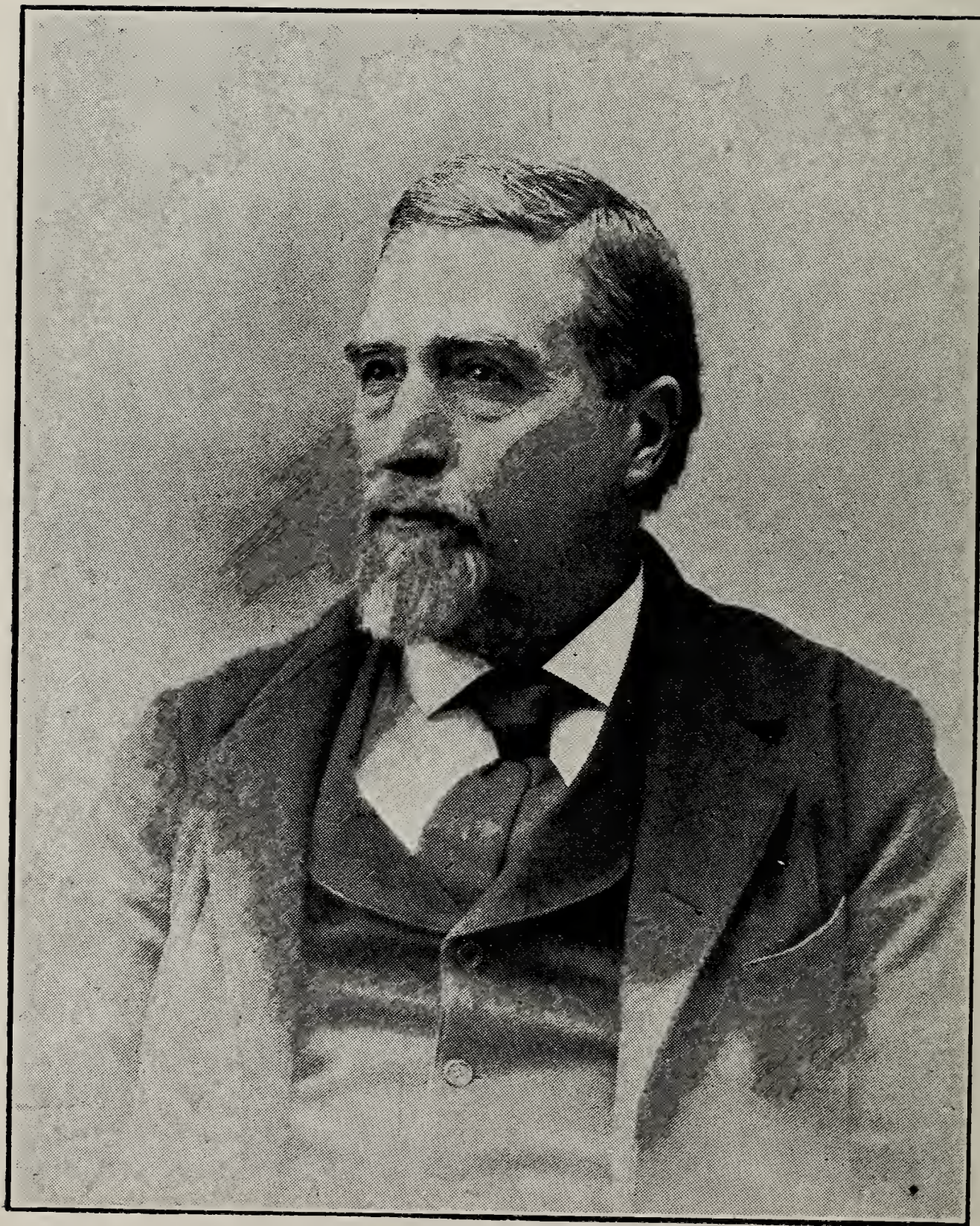
interrupted the trial and caused a delay of half an hour. A few minutes after the trial was resumed, two or three yards of plastering, which had been loosened by the elements, fell from the ceiling with a crash and came near striking Judge Hinton, Stenographer Chamier and Clerk Boggs. Another recess was declared till all parties recovered from fright and coughing.

Judge Hinton was given a banquet by the Boone county lawyers at the Virginia Grill in Columbia, a few evenings before he left for Chicago. On this occasion, Jas. S. Rollins, Jr., acted as toastmaster, and M. R. Conley, L. T. Searcy and Jas. L. Stephens responded to toasts. Judge Hinton was then called on, and spoke feelingly of his long and friendly relations with the Boone county bar.

A. W. TURNER, JR.

Archibald W. Turner, Jr., is the third generation of that noted Boone county family to become a lawyer, and he served two terms as city attorney of Columbia. Afterwards, Mr. Turner desired to serve Boone county as its prosecutor, and ran a good race. It was told on Mr. Turner that he visited a farmer near Midway, who was almost too busy following his plow to stop and talk politics. In order to get him interested, Mr. Turner told the farmer that he too was a farmer, and had spent many a day in hard toil. He asked the farmer to rest a few minutes while he plowed some furrows around the field. This made a fine impression for a while, but either Mr. Turner was not then an expert plowman, or the horses were unusually contrary. The result was an encounter with a stump, a broken plow and some corn destroyed. It is said that Mr. Turner lost several votes in that neighborhood.

Mr. Turner's first case in the circuit court was by appointment. He defended one Emmitt Cave, colored, against whom there was a charge of obtaining a mule under false pretenses from James Turner. The state proved that the defendant made statements to Turner that he had a horse, a valuable horse, that he would give Turner for the mule, that Turner gave him the mule, and Cave sold the mule and went to Kansas City. The state claimed that the defendant never had a horse, and put the father-in-law of the defendant on the stand to prove it, and he was unfriendly to the defendant. Attorney Turner tried to tone down the testimony of the old negro, and tried to get him to say that what he meant was that he did not know of any horse that defendant owned, but defendant might have had a horse. After he saw what ingenious counsel was seeking to do, the old negro said, "I say he never had no hoss; now you get somebody to say that he had one." Failing to find such an one, the defendant was convicted.



WELLINGTON GORDON

YASAKUNI NAKAJIMA

Fortunately, the writer of this book does not have to pronounce the name of the above lawyer. He was a native of Japan, graduated from the Missouri University Law School in the same class with Judge E. W. Hinton, and both were admitted to the bar in Boone county at the same time. Mr. Nakajima remained here a very short time. He is now a teacher of law in a school in Japan.

WM. P. COLEMAN

About 1890, the Farmers' Alliance was organized in Boone county by Hon. U. S. Hall. It attracted attention, and secret meetings were held in the court house; and the organization bid fair to exert a great deal of political and commercial influence. Many local politicians courted favor with them, and endeavored to be one of them; but the alliance refused to permit any one to join, except a *bona fide* farmer. Wm. P. Coleman said that a committee from that organization once waited on him, and informed him that he had been elected a member. Mr. Coleman expressed surprise, saying that he did not know that a lawyer was permitted to join. The chairman replied, "Well, we did not think that you were much of a lawyer."

During his campaign for probate judge, Mr. Coleman was in Centralia and he desired to use the long distance telephone. By a mistake, he got into a saloon, thinking it was the central office; and he met Thos. S. Carter and others on the side-walk in front of the saloon. Mr. Coleman mentioned that he went into the saloon, but that he was simply looking for the telephone office. Mr. Carter said, "Well, I have heard it called by a good many names, but this is the first time I ever heard Old Bourbon called 'telephone office'".

Mr. Coleman's death so soon after he began practice, and when his career seemed to be so promising, was a matter of great regret to all his friends; and he had many of them in all parts of the country.

JAS. C. GILLESPIE

Hon. Jas. C. Gillespie, who claims "Terrapin Neck" as his home, during campaign years, is now the oldest attorney in the county; and the best posted lawyer on the judicial history of the county. But as well acquainted with human nature and with the people of the county as Judge Gillespie is, he occasionally makes a mistake. About 1895, Judge Gillespie was trying a divorce suit, in behalf of the husband, and a religious crank was called to testify in regard to the wife's general

reputation for telling the truth and for virtue. He replied, "General reputation depends on whom you associate with; and the Savior, himself, associated with one woman who had seven husbands and another woman who had seven devils." He was interrupted by counsel, and told to answer the question. He replied, "General reputation also depends on what people say about you; and that is very uncertain. For John the Baptist came neither eating nor drinking, and the people said he had a devil. And the Son of Man came both eating and drinking, and the people said he was a winebibbler and the friend of publicans and sinners." Counsel again interrupted him, and asked that he answer as to the woman's general reputation. The witness started off thusly: "General reputation depends on what people think about you, and that is very uncertain. One day they hailed the Savior with hosannahs and palm branches, and the next day they wanted him crucified." At this stage, Judge Hockaday came to the rescue, and told the witness to give a little more evidence, and quote a little less scripture. The witness replied, "Well, all right, Judge; but I was in hopes that a little leaven might leaven the whole lump."

Judge Gillespy was a merchant and farmer, and was not admitted to the bar till late in life. He is the only Boone county lawyer, who engaged in the active practice for any length of time, who served as sheriff and deputy sheriff. During the Civil war and shortly after the war, he rendered valuable service to Boone and other counties, by his vigilance and fearlessness. Some lawless men, horse thieves and robbers, undertook to disregard the law and the officers of several counties, but Sheriff Gillespy pursued and captured them. Then, when the officers from another county undertook to mistreat the prisoners, Sheriff Gillespy protected them. Mr. Gillespy followed one man to Texas and brought him to Boone county for trial, and he followed another man to Colorado, and returned with him. He never failed to arrest a man, for whom he had process, and often boasted that he never received any reward for arresting a prisoner. He always refused a reward, saying he did not care to be paid for doing his duty.

Judge Gillespy extends a standing invitation to his brother lawyers to join him at his Providence home and go fishing; and he catches fish there like those shown in one of his pictures printed in Sunday's "Globe-Democrat."

O. H. AVERY

Senator O. H. Avery, of Lincoln county, often practiced in Boone county, and was a good lawyer and a good speaker. In a suit where a young lady sued a man for accusing her of larceny, Senator Avery



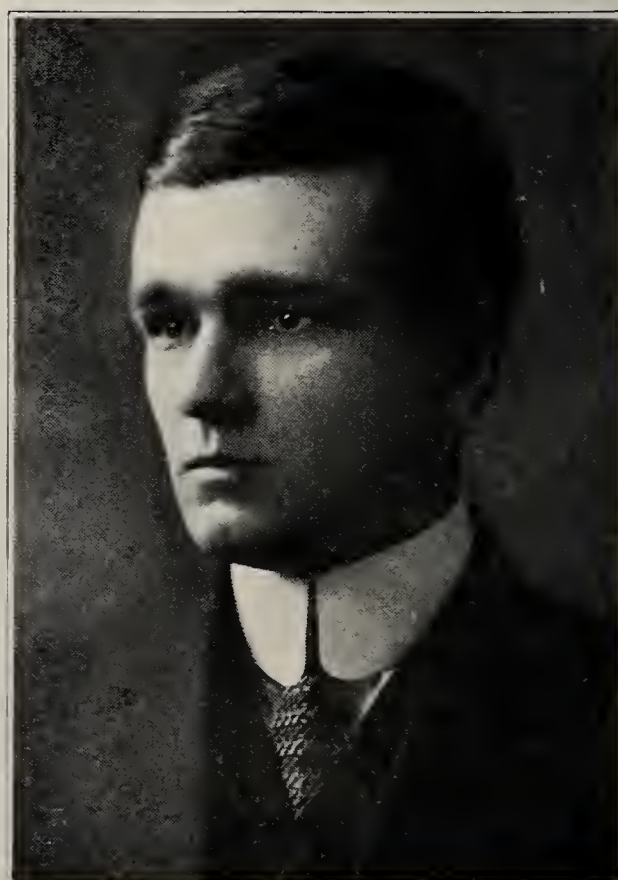
ARTHUR BRUTON



HENRY G. SEBASTIAN



EDWIN M. WATSON



CURTIS B. ROLLINS, JR.

represented the defendant, and Gen. Odon Guitar represented the plaintiff. In his speech, Senator Avery said, "The evidence shows that this young lady advised with her mother, and the mother told her to drop the case. The mother is the daughter's best friend, at all times and under all circumstances. It is said that on one occasion, an angel came down from heaven, in search of the most beautiful thing on earth. He found three things that were so beautiful that he could not decide between them, a lily, pure and white, a baby's smile, and a mother's love; so he plucked all three and started upward. But ere he reached the pearly gates, the flower had faded, the baby's smile had turned to a frown, but the mother's love was stronger and more beautiful than ever."

In answering Senator Avery, General Guitar said something to which Senator Avery objected, because he said it was outside of the record. General Guitar retorted, "Outside of the record, didn't you take that baby all the way up to the gates of heaven, a place where you never will be, except in poetry or in song?"

JERRY H. MURRY

Jerry H. Murry made a splendid record as prosecuting attorney, and assisted Circuit Attorney Joseph W. Folk in prosecuting Edward Butler in Boone and Callaway counties, and gained a state reputation. He was a candidate for the democratic nomination for attorney-general in the spring of 1904, when he was suddenly taken ill and died in a few days. There was a universal expression of regret that one, who was so promising and so worthy, should have his career ended so soon. Hon. Elliot W. Major, an opponent of Mr. Murry, received the nomination for attorney-general, but although defeated that year, four years later was elected attorney-general, and then in four years was elected Governor of Missouri.

In 1898, Mr. Murry was a candidate for re-election to the office of prosecuting attorney, and he was telling it on the stump that he had never had a case of his reversed by the supreme court. After making that statement at three different barbecues, two of Mr. Murry's cases were reversed by the supreme court on the same day.

Mr. Murry is one of the few lawyers who has been sued for slander. At the trial of the case of State v. Asberry, Justice P. S. Hocker of Centralia, seemed to think he had authority to sustain a demurrer to the evidence, at the close of the state's case; which he did, and discharged the defendant. The defendant, who was accused of deserting his wife, was then arrested and prosecuted before another justice; and

his attorney plead *res adjudicata*. It was at the second trial that Mr. Murry seriously criticized Justice Hocker, who was a witness for the defendant; hence the suit for slander. The case of Hocker vs. Murry was taken on application of the plaintiff to the Cole circuit court, where it was afterwards dismissed.

Mr. Murry was once prosecuting some negroes before Benton White, J. P., for breaking into a saloon in Rocheport and stealing some pint bottles of whisky. He placed an old negro on the stand and proved that one of the defendants had a pint bottle of whisky shortly after the alleged burglary. He asked the witness what kind of a label the bottle had on it; and then learned that the witness did not know the meaning of that word. "I mean," said Mr. Murry, "what was on the outside of the bottle." The witness said, "Now, boss, I wasn't paying no attention to what was on the outside of the bottle; I was paying attention to what was on the inside of the bottle."

GEO. P. B. JACKSON

Although he lived in Sedalia and later in St. Louis, Mr. Geo. P. B. Jackson had one or more cases nearly every term in the Boone circuit court after the projection of the M., K. & E. railroad, afterwards the M., K. & T. railroad through this county. Mr. Jackson had a custom of fighting a case before the jury, before the trial judge as well as in the appellate court. He tried one personal injury case before a Boone county jury, and was successful, much to the surprise of many, including himself. The plaintiff appealed, and Mr. Jackson, in arguing the case before the court of appeals, said, "I take a special interest in this case, as I am not often here asking this court to uphold the verdict of a jury. I hope, therefore, that in this case this court will use that expression, so often used by this court, that it 'will defer to the finding of the jury, and the action of the trial court.'"

Mr. Jackson represented the M., K. & T. in Texas in some important cases. In order to avoid appeals in small cases, the Texas legislature passed an act, prohibiting an appeal from the justice of the peace court in damage suits, where the amount involved was ten dollars or less. Accordingly, persons sued the railroad for calves, hogs and dogs that were killed, and every one recovered judgment for ten dollars, and the railroad seemed to have no remedy. So the matter was turned over to Mr. Jackson, and he conceived the idea of filing an offset or counterclaim for ten dollars against the owner of the animal, as damages to the locomotive and cars. Of course the jury in the justice of the peace court decided against the railroad, but, as the amount then involved exceeded ten dollars, the railroad could appeal.

WM. R. GENTRY

Like many St. Louis lawyers, Wm. R. Gentry is proud of the fact that he was reared in the country, and especially that he began the practice of law in Boone county.

Mr. Gentry defended a farmer who was sued by a lawyer because of an alleged slander. The lawyer moved to Missouri from a distant state, and he took depositions in that state to prove that he there had a good reputation, but he offered no evidence of his good conduct in Missouri. In his argument, Mr. Gentry commented on the fact that the depositions referred to a time that was remote, and the place was far away. He said that it reminded him of an Irish girl who had worked for a number of good families in Ireland and England, all of whom gave her letters of recommendation when she sailed for America. She landed at New York and tried to get employment but could not, as she had lost her letters. Her cousin, Patrick O'Connell, told her that he could fix that all right, and would write her a character letter. Taking a pen, he wrote, "This is to certify that Katie O'Lary had a good character in the old country, but she lost it on the ship coming over." The jury found for the defendant.

Mr. Gentry taught German and French in the University before he studied law. He was very fond of hunting, and it was during this time that the following occurred. A small boy named Butcher was telling of a discussion that he had with his mother and brother regarding Mr. Gentry's occupation: "I said he was a teacher, but mother said he was a lawyer, but my brother Jimmie said he thought he just went a hunting."

Mr. Gentry is the father of two prospective lawyers. When the older one was about five years of age, he was attending a party and the boys were telling what occupations they expected to follow. Young Gentry said, "I am going to be a two horse lawyer." When he was asked why, he said "Because there are enough one-horse lawyers in the family."

Mr. Gentry belongs to the Presbyterian church and the A. O. U. W., and is a Knight Templar.

GEO. H. BARNETT

Geo. H. Barnett, although deprived of the sight of one eye, was a most industrious student of law. As city attorney of Columbia, he made such a fine record that he received the democratic nomination for prosecuting attorney, although he was opposed by some of the older and more experienced practitioners. A short illness brought Mr. Barnett's bright career to a sudden close. He died before the November elec-

tion, and was the only man in the county to receive the nomination of the party in power and then die before being elected.

Mr. Barnett tried to recover damages for a client, the damages being the result of the injury to certain cattle. He stated to the jury that the cattle were very valuable before the happening of the negligent act, but that they were almost worthless thereafter. He made the mistake of his life in introducing a cattle expert as his first witness. After qualifying him as a judge of cattle, and acquainted with the cattle in question, he asked the condition of the animals before the time of their injury. The witness started off thus: "Well, sir, I saw the cattle before that time, and they looked like they had been through the fiery furnace." Mr. Barnett rose in court, and said, "The plaintiff will accept of the defendant's offer of settlement."

Mr. Barnett's death, so early in his professional life, was regretted by lawyers and laymen alike.

H. D. MURRY

During the illness of Judge Jno. F. Murry, Harvey D. Murry was clerk of probate and attended to the court business for two or three terms. While he was on the bench, Joseph H. Cupp was in court, had various motion to file and divers objections to make; all of which were seriously considered by the court. After he left, Mr. Cupp said: "Every probate judge is just alike. He reminds me of the undertaker—he always looks serious and sad but never cries."

It is said that, while he was on the bench, Judge Harvey Murry received the following letter:

"Dear Sir: My Father deserted this life not long hence, leaving a wife and five scorpions. He died detested and his estate is likely to prove insolvent. I was left electrocutor, and being told that you were judge of reprobates, apply to you for letters of condemnation."

Sixteen young ladies at one of the girls' boarding schools had a disagreement with a Columbia laundryman, and the latter declined to deliver their laundry, but held it much to their displeasure. So great did their disagreement become that the young ladies determined to bring a replevin suit, and they sought the assistance of Mr. Murry, a bachelor of an uncertain age. Great haste was necessary for the young ladies desired their possessions in time for a public entertainment, and the laundryman was threatening to hide their clothing until an agreement could be reached. Mr. Murry started in with all the speed that he could muster, but he was greatly embarrassed at trying to describe that kind of personal property. So in the affidavit that he made, he said that the same "constituted the clothing such as was usually worn by



HERLEY S. DAILY



OLD COLUMNS

young ladies, the exact names and natures of which were to their attorney unknown."

L. T. SEARCY

L. T. Searcy, better known as "T" Searcy, is one of two or three Boone county lawyers who served as assessor of the county. He claims "Terrapin" as his birthplace.

As county clerk and during his first term, Mr. Searcy tried to prepare the necessary orders in a road case, but when the case was appealed, the circuit court dismissed the same for want of jurisdiction. It was then that Mr. Searcy said, "All you have to do is to appeal a road case, for the higher court always reverses the action of the county court, no matter how the case is decided."

Mr. Searcy entered the University Law School at the age of forty, and studied law while he was county clerk—the only county clerk who attended school during his official term. Owing to the fact that he had weak eyes and Geo. H. Barnett, a fellow student, had but one eye, Mr. Searcy and Mr. Barnett studied together, and one read the lesson aloud one evening and the other the next.

In one of his characteristic articles, W. J. McQuitty, editor of the "Rocheport Commercial", described a county campaign, representing the candidates as if they were horses in a race. Referring to Mr. Searcy, the article read: "There's T. Searcy, a water-jointed, chestnut colored sorrel, seventeen hands high, is sure to win in the race, although he has bad eyes. Searcy has traveled all over Missouri, Kansas, Colorado and New Mexico, but he has never yet taken a trip up Salt River."

Mr. Searcy belongs to the Christian church and the Modern Woodmen.

FRANK G. HARRIS

One of the youngest and one of the most successful prosecutors Boone county has had is Frank G. Harris, whose friends now call Senator Harris. Mr. Harris was elected prosecuting attorney, while a citizen of Centralia, at the age of twenty-six. He at once removed to Columbia, where he has since resided. During his incumbency of six years, he convicted two men of murder in the first degree, and their convictions were sustained by the supreme court (State vs Clay, 201 Mo. 679, and State vs Baker, 209 Mo. 444). Mr. Harris is a greatnephew of Overton Harris, the first sheriff of Boone county, and a third cousin of Judge David H. Harris.

In 1910 and 1912, Mr. Harris was elected to represent Boone county in the legislature, and served as chairman of the judiciary committee.

In 1914, Mr. Harris was appointed by Governor Major to a position on the code revision commission, and, with the other members of that body, made many suggestions to the general assembly, regarding our civil and criminal code.

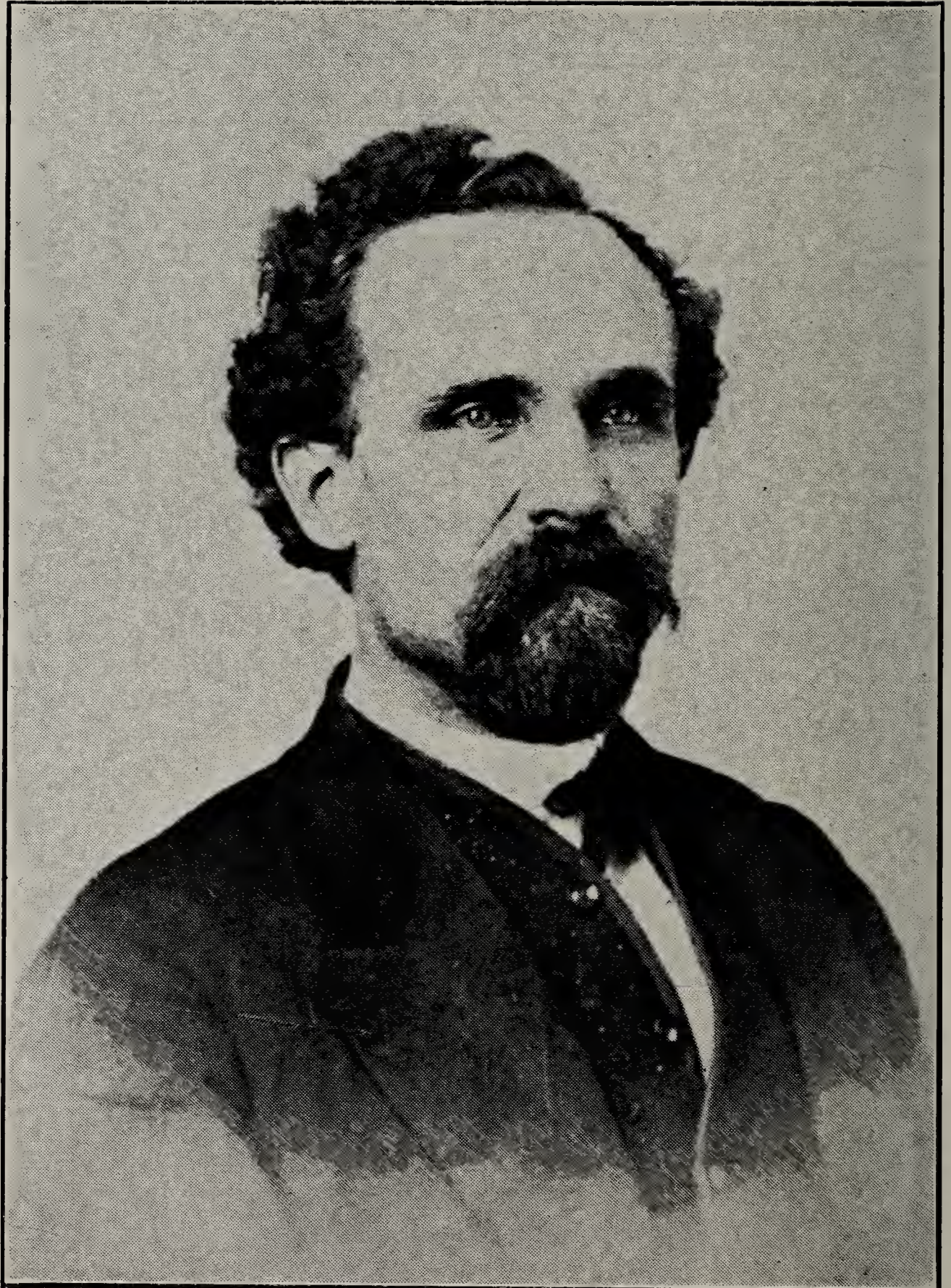
In 1914, Mr. Harris was elected to the state senate from the tenth district, composed of Boone, Callaway, Montgomery, Warren and St. Charles counties, and served as chairman of the code revision committee, and was also a member of the criminal jurisprudence committee, the private corporation committee, and the internal improvement committee. Senator Harris was appointed to serve on a committee during the recess of the general assembly, but he promptly wrote a letter declining to act, as he was of the opinion that such a committee could not legally do anything, and that the senate had no authority to appropriate any money for that purpose. Afterwards, Attorney General Jno. T. Barker gave a similar opinion.

The first case Mr. Harris had in the circuit court was when he represented the state in the prosecution of five young men, Orear, Chandler, McLane, Turner and Woolfolk, for the murder of Chapman, the Wabash station agent at Browns Station. As stated by several who attended the trial, "he handled these cases like an old prosecutor."

Messrs. Harris and Gentry recently defended a man charged with obtaining money under false pretenses, and the defense was insanity. After proving by P. S. Quinn, a witness for the defense, many strange and unusual things that the defendant did, the question was asked what the witness believed was the mental condition of the defendant. He replied, "I think he is a cool, calm, calculating scoundrel." The defendant was found guilty.

A few years ago, it is said that Mr. Harris was called on to defend a chiropractor, who was charged with violating the law in regard to the practice of medicine. There were several cases against the defendant, and some difficulty was experienced in the selection of a jury at the trial of the fourth and fifth cases. One man, named Roberts, stated on his voir dire that he had not formed nor expressed an opinion. Mr. Harris then asked if he heard any of the testimony at either one of the former trials, and the jurymen replied that he had not; but that he had heard the speech of one of the attorneys. "Did that make any impression on you?" asked Mr. Harris. "No", was the reply. "Whose argument did you hear?" inquired Mr. Harris. "I heard your argument", the juror replied.

Senator Harris was the first to suggest that the lawyers close their offices on Thursday afternoons during July and August. This was in 1915.



CAPT. HIRAM C. PIERCE

Senator Harris is a member of the Christian church, Odd Fellows and Elks.

M. R. CONLEY

In 1910, M. R. Conley was endorsed by the Boone county lawyers for judge of the new judicial circuit, composed of Boone and Callaway counties, and a lively race was had by the two candidates. Judge Harris defeated Mr. Conley by a small majority.

On one occasion, Mr. Conley represented a colored man, who lived on Flat branch, and was being sued for divorce. The wife claimed and proved that the husband never supported her, but lived entirely on money that she had earned. Mr. Conley, thereupon, put his client on the stand to explain this damaging testimony, and he swore that he was always glad to work when he was able, but that he had been sick and therefore unable to work. When asked how long he had been sick, to the amazement of Mr. Conley, he replied thirty-one years, which was the length of his married life. He further said that his peculiar ailment consisted in being "tired all of the time".

Mr. Conley was a delegate to represent Boone county at the deep waterways convention at Kansas City, in August, 1915.

Mr. Conley, like Ralph T. Finley, belongs to the Presbyterian church; he also belongs to the Elks.

JAS. W. SCHWABE

Jas. W. Schwabe is more of a real estate man and auctioneer than a practicing lawyer, though he graduated in law and does practice some. He was raised in Columbia, then moved to a farm in Black Foot, where he lived for a number of years, occasionally taking a case in the magistrate and county courts.

Once Mr. Schwabe was connected with a road case, and in his argument, took occasion to criticise an opposing witness, who, he said, "had moved from Black Foot to Columbia, for some unknown reason". In reply Col. Turner sarcastically said, "I don't know that it is any more disreputable for an honest man from Black Foot to move to Columbia, than it is for a dishonest man to move from Columbia to Black Foot."

Mr. Schwabe defended a young man from Black Foot who was charged with horse stealing, the defense being that he took the horse from his employer to drive with his girl to church, not intending to steal the animal. By a most ingenious argument, Mr. Schwabe made the jury shed tears over the good youth, who was not only going

to church, but engaged in taking one of Boone county's worthy girls to church.

Mr. Schwabe is one of the few Boone county lawyers to take part in extensive litigation: in 1914, he brought suit against the city of Columbia to enjoin it and its officers from paying three thousand two hundred and seventy-eight dollars to the Hamilton-Brown Shoe Company for a sewer, as he alleged that it was a private sewer. After a careful investigation, the circuit court decided that it was a private sewer, and made the injunction perpetual.

DAVID A. BALL

Senator David A. Ball was called as a witness to testify to the bad reputation for honesty of one of his fellow-citizens of Pike county, whose case was being tried in the Boone circuit court. After testifying that the gentleman's reputation was bad, Senator Ball was extensively cross-examined by Rass Pearson, also of Pike. He was asked if he and the defendant were not brothers in the Methodist church, and he replied, "We're brothers-in-law, sir." He was then asked if he and the defendant had not recently contributed to the amount of five hundred dollars each to pay off a debt on that church, to which he replied in the affirmative. With a degree of satisfaction, the defendant's attorney inquired if at that time the defendant was not in good standing in the church; to which the senator replied, "For the purpose of that contribution, we were both in good standing, sir."

JAMES E. BOGGS

James E. Boggs, or "Ned" Boggs as he is called by his intimate friends, is a son of Tyre Boggs. He served several years as justice of the peace of Columbia township, and was a popular justice. Mr. Boggs decided the case of Columbia & Cedar Creek Turnpike Co. v. I. C. Vivion, which decision was reversed by the circuit court. But the court of appeals reversed the decision of the circuit court, and followed in substance the written opinion filed by Justice Boggs.

It was told of Mr. Boggs that he tried a case (his first case) in a schoolhouse, not many miles from Columbia, and the representatives of the plaintiff and defendant were not licensed attorneys—they simply tried to act as lawyers. There were seventeen witnesses to testify for the plaintiff and twenty to testify for the defendant. The justice, for satisfactory reasons, decided in favor of the plaintiff. Thereupon the attorney (?) for the defendant arose and moved for a new trial,

and a friend of the defendant seconded the motion. The motion was put, and was carried by a vote of twenty to seventeen. "That," said Justice Boggs, "is recall of judicial decisions."

Mr. Boggs edited the "Missouri Justice" for some years, which paper was a monthly and had a large circulation in the state. Afterwards, he was president of the circuit clerk and recorders' association of this state.

To Mr. Boggs is due the credit for the idea and success of the Jefferson Banquet, which was held in Columbia, April 13, 1915, and attended by some three hundred persons, including visitors from St. Louis, Kansas City, Jefferson City, Hannibal and other Missouri towns. Senator Wm. J. Stone and Judge Irvin A. Barth delivered the principal addresses at this banquet.

Mr. Boggs is an Elk.

CHAS. J. WALKER

Senator Charles J. Walker had a fine practice in St. Charles and Warren counties, but moved to Columbia to educate his children; hence, began the practice in Boone county after he was advanced in years. He made a specialty of commercial and real estate law, and was considered one of the best posted men on commercial and bankrupt law in Boone county. For some years, Senator Walker and his son, Lee Walker, composed the firm of Walker & Walker, and had an office in the J. H. Haden Building in Columbia. Unfortunately, Senator Walker received a partial stroke of paralysis in February, 1914, and has been confined to his house most of the time since.

Senator Walker once cross-examined Robert Carter, a well-known negro from the McBaine neighborhood. Uncle Bob said that he was born in 1834. The Senator wanted to know how he knew it was 1834. "Well," said the old negro, "my old mahster was a Whig back there in Virginia, and I remember when Henry Clay ran against Jas. K. Polk. Old mahster had all of us niggers to carry a knife around over the farm, and he told us to cut a polk stalk whenever we found one. And that was in 1844, and I was ten years old, and that's how I know I was born in 1834."

Senator Walker was attorney for a certain real estate agent in a suit to collect a commission. As usual, opposing counsel got after real estate agents, saying that they were simply employed to lie about the value of property. Senator Walker calmly admitted the accusation, and said that his client was employed to lie, because the defendant realized that he needed a man to do that kind of work, and the defendant was too honorable to do it. "Now," said the Senator, "the

defendant ought to pay my client for doing such fine work." And the jury agreed with him.

Senator Walker represented Dr. Jamison Vawter, a Columbia physician who had nearly every kind of a civil law suit known to the profession, and the jury decided in favor of Vawter. Some one congratulated Dr. Vawter on his success, and incidentally complimented his attorney's good work. "Oh," said Dr. Vawter, "my lawyer does not deserve any of the credit, he simply did what I told him to do." When Senator Walker heard this, he admitted that there was a good deal of truth in his client's statement.

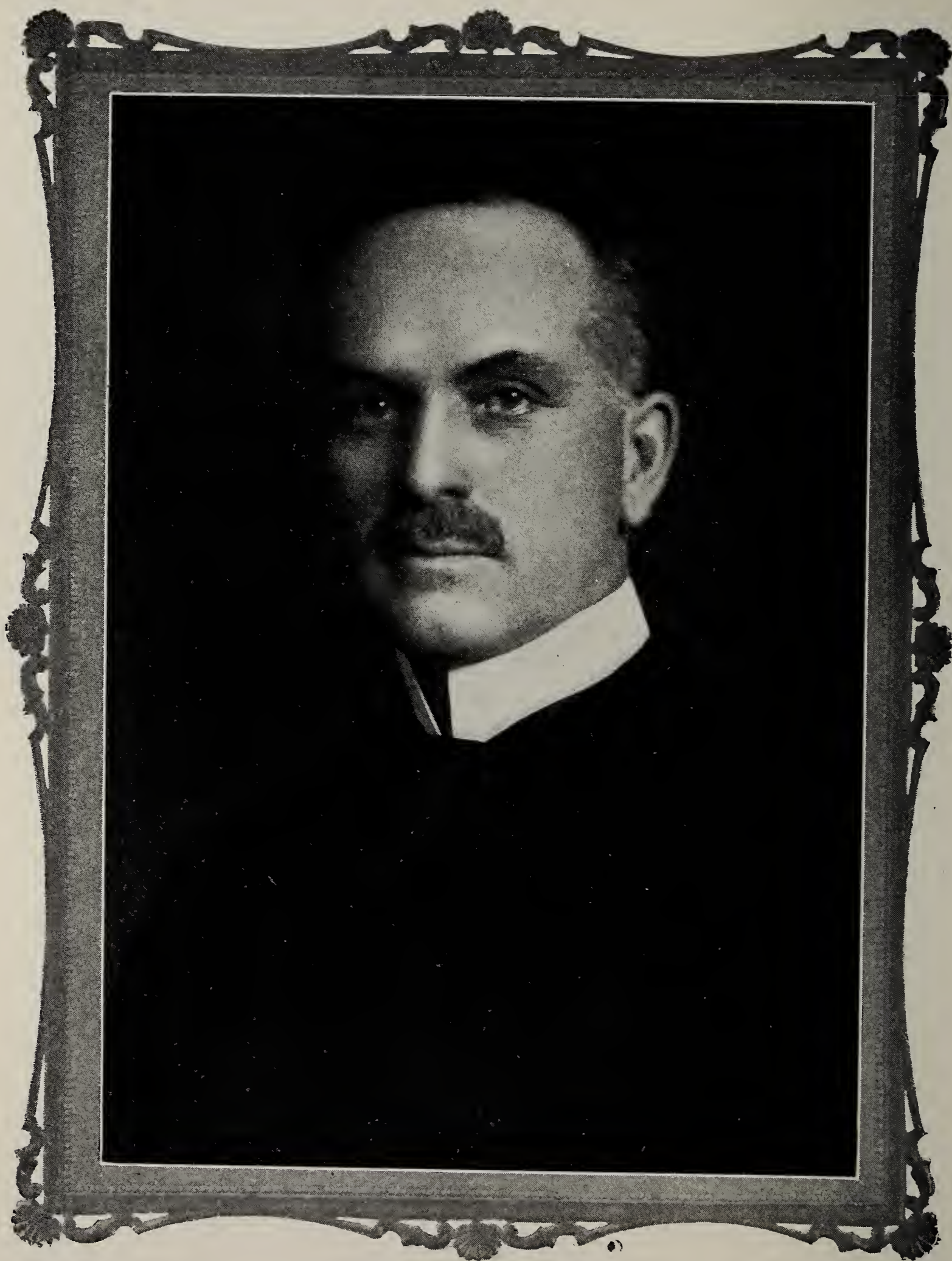
A maiden lady was one of Senator Walker's witnesses in the circuit court, and a friendly witness she was to his side. She was a great talker, and when she got wound up, she just could not stop until she had told her tale. Repeated objections from the opposite side did not stop her, nor did the court's ruling have any effect on her. At last the court said, "Senator Walker, you will have to control your witness." To which the Senator frankly replied, "I will be glad to have your honor tell me how to control her; she has already told a lot that I did not want her to tell."

In 1907, Senator Walker was appointed by the supreme court of Missouri referee for the taking of evidence in the case of State ex rel. city of Centralia vs State Auditor. He held court in Centralia.

Senator Walker is a Methodist and Knight Templar.

W. H. ROTHWELL

W. H. Rothwell, familiarly known as "Hamp", was a friend of the boys, especially some of the University boys. While Mr. Rothwell was city attorney of Columbia, it became necessary to prosecute two of the members of the University football team for disturbing the peace. It was then not long before the Missouri-Kansas game, and all loyal Missourians were anxious for the success of the "Tigers". It leaked out that some of the football boys had been arrested, and the University discipline committee got busy. Mr. Rothwell told the erring athletes that he would file an information against them under assumed names, which he did, and the fine was paid by a friend, the boys not appearing in court. When the discipline committee came to the police court to get the names, to their surprise they learned that John Smith and Tom Jones were the guilty parties. No amount of urging on the part of the discipline committee could induce Mr. Rothwell to disclose the real names. The discipline committee then tried to force Rothwell. They threatened him with impeachment proceedings before the city council, and also a prosecution for malfeasance



GARDINER LATHROP

in office. Mr. Rothwell told them to get busy, that he would rather "beat Kansas" than to be city attorney of Columbia.

Mr. Rothwell was attorney for certain men charged with numerous violations of the local option law, and there was an organization in Columbia which was active in having such men prosecuted. On the regular panel of jurors at one term was J. D. McQuitty, a member of that organization. Mr. Rothwell, as attorney for the defendant, scratched Mr. McQuitty off of four juries. When his name appeared on the list for the fifth time, a mistake having been made it appeared as J. T. McQuitty. Just before the jury was sworn, the sheriff discovered the mistake, and called the court's attention to it. "Never mind," said Mr. Rothwell, "I know him, and he is already scratched."

Mr. Rothwell was the first Boone county lawyer, so far as is known, who delivered an address at the funeral of a brother lawyer. In 1905, Mr. Rothwell spoke at the funeral of Ev. M. Bass, in Ashland. Later, Eli Penter spoke on the occasion of the funeral of Wirt J. Warren, in Cedar township. Judge Jas. C. Gillespy spoke at the funeral of Thos. S. Carter, June, 1913, in Sturgeon in the yard of the home place of Mr. Carter. In March, 1915, N. T. Gentry spoke at the funeral of Eli Penter, at Salem Baptist church, near Ashland.

ARTHUR BRUTON

Arthur Bruton and Jas. A. Henderson are the only Boone county lawyers who have been county school commissioners. Mr. Bruton taught school in Boone county, and has been attorney on one side, or the other, of nearly every school case or school teacher case, tried here. He now occupies the distinction of being one of the few Boone county lawyers to own an automobile; and, therefore, is attorney in nearly every automobile case that has arisen in the county. In a damage suit against an automobile owner, for injury while operating his machine at a reckless rate of speed, Mr. Bruton cross-questioned the defendant as to how fast he was running it at the time of the accident. The owner answered, "Just about as fast as you run your car every day." Mr. Bruton gained the case, by mentioning the fact that the defendant admitted that he was running at high speed, saying that "high speed, of course, meant that he was running at a high rate of speed, which necessarily was reckless driving".

Mr. Bruton was attorney for W. L. Green, a Centralia mule dealer, in a suit against the Wabash for damages on account of a mule kicking a slat off of the car in which it was being shipped, and injuring its leg. Mr. Bruton insisted that the railroad company knew that a mule would kick, and that a stronger car was required for the

shipment of a mule than a sheep. The court and jury agreed with him.

Webster Gordon was often a candidate for office, state senator, representative, prosecuting attorney, county judge, justice of the peace, mayor of Columbia and city attorney, but was nearly always defeated. Some months after his last defeat, Arthur Bruton advised with Mr. Gordon about the next race for prosecuting attorney. Mr. Gordon said, "Don't talk to me about running for office. The people don't want a man and will not elect a man who is qualified for any office." Mr. Bruton then modestly said that the people had been talking to him (Bruton) about running. To which Mr. Gordon said, "All right; I think you can be elected."

E. C. ANDERSON

Emmett C. Anderson is the only Boone county lawyer who can claim Browns Station as his birth place. He was born there before Browns Station existed. Mr. Anderson was a blacksmith in Sturgeon until he was thirty-six years of age, when he concluded he would study law. He read law in his blacksmith shop and was admitted to the bar, by examination in open court during Judge Hockaday's term. Mr. Anderson made a fine record as a prosecutor. It is said that more men were convicted and given long terms during his administration than that of any of his predecessors. See the murder cases of State vs George Fenton, 248 Mo. 482, and State vs Henry Lee Moore, State vs Henry Baumhoefer, State vs William Sleuter and State vs Isaac Jackson, which were never appealed. Then, in misdemeanor cases, Mr. Anderson had two Columbia druggists fined twenty-four thousand six hundred dollars for violating the local option law, and a Rocheport druggist fined fifteen hundred dollars for similar offenses. He prosecuted and convicted Columbia and Centralia physicians for writing whiskey prescriptions, and convicted bootleggers galore. He even convicted one woman of bootlegging. During his four year term, he instituted prosecutions of violations of every statute in our criminal code.

In the case of a man charged with a criminal assault on a little girl seven years old, the defendant proved a good reputation by a number of people. One character witness was an Irishman. Mr. Anderson asked him if a man's good reputation was worth anything; if King David did not have a good reputation prior to his meeting with Uriah's wife? The witness replied, "Yes, but Uriah's wife was more than seven years old."

After Mr. Anderson retired from the prosecuting attorney's office, he began defending men charged with crimes, and now believes in juries showing mercy to defendants, and giving them the full benefit of the reasonable doubt. In April, 1915, Mr. Anderson represented a Rocheport negro who was in jail, under indictment for a felony. The day before the trial, Judge Harris asked if the case was to be tried the next day, and was assured that it would be. In a few minutes, Sheriff Sapp came into the court with word that the defendant had broken jail and gone, and Mr. Anderson announced that fact to the court. Whereupon, Judge Harris jokingly said, "Well, I did not intend to require you to disclose your defense in advance."

In January, 1915, Mr. Anderson was appointed receiver of the Columbia Guarantee Abstract Company. He looked after the affairs of that corporation in a manner satisfactory to every one, altho the interests of the contending parties were varied and complicated.

J. P. McBAINE

"Pat" McBaine, as he is familiarly called, is not an Irishman as his name might indicate, but is a son of native Missourians. His father, Turner McBaine, was the owner of a large amount of Missouri River bottom land, some nine or ten miles southwest of Columbia, hence, the town of McBaine was named for him.

Mr. McBaine has been associated in the practice of law with Boyle G. Clark, also of Columbia, for some years past. The firm of McBaine & Clark are attorneys for the Wabash Railroad and, also, attorneys for the Columbia Special Road District.

Mr. McBaine was once called to Wisconsin to teach in the Summer Law School of the University of Wisconsin, and twice to Columbia University Law School. He is also a teacher in the Missouri Law School.

Mr. McBaine is a director in the Exchange National Bank, and his firm are attorneys for that bank.

DON C. CARTER

Like his distinguished father, Don C. Carter has been the only lawyer in Bourbon township for some time. He is on one side of every case tried in, or appealed from that township. Mr. Carter enjoys an extensive practice in Boone, Audrain, and Randolph counties. He is equal to almost any emergency that may arise in the midst of a trial.

In his younger days, however, Mr. Carter was defending a man who was charged with larceny; and in rebuttal, the state proved that

the defendant's general reputation for morality was not good. Feeling that his duty to his client demanded that he ask some questions of one of the character witnesses, Mr. Carter inquired if the witness had ever heard any one say that the defendant would steal. The willing witness promptly said that he had. "Who was it?" asked Mr. Carter. "His brother!" said the witness. "Which brother?" asked Attorney Carter. "Both of them!" said the ready witness. The defendant was convicted.

An old citizen of Sturgeon once said, "When you get Tom Carter on one side of a case, and Don Carter on the other, there is going to be fun in court."

Mr. Carter brought suit against a lady for alienating the affections of the husband of his client. All the parties lived in or near Sturgeon; so Carter was familiar with them. When the defendant arranged to have a Columbia lawyer to visit Sturgeon and consult with her, Carter knew of the day and the train on which the lawyer would arrive. So he had a witness to be at the depot in Sturgeon and watch; and, as he expected, the husband of the plaintiff met the attorney at the train and took him to see the defendant. This was brought out in evidence at the trial, and the effect on the jury was favorable to the plaintiff.

BOYLE G. CLARK

Boyle G. Clark, who is named for a prominent Boone county lawyer, Judge Boyle Gordon, was one of the prize debaters at the Columbia High School and Missouri University. He began the practice of law in Moberly, Missouri, but soon returned to Columbia. For several years he has been attorney for the county collector, in the collection of back taxes.

One of Mr. Clark's first cases was tried before a cross-roads justice, who was not well acquainted with the Missouri decisions; but he thought he knew how the reports ought to look. Mr. Clark had his set of Missouri reports rebound, and a green colored binding had been used, instead of sheep or tan buckram. When he offered to read from one of these green bound volumes, the attorney on the other side objected, as the United States Agricultural reports were not the law in Missouri. The justice sustained the objection.

Mr. Clark defended two young men, residents of Black Foot, who were charged with disturbing religious worship at a Holiness church. One witness for the state testified that he was inside the church and that he heard the two defendants on the outside talking loud enough to be heard a quarter of mile. Mr. Clark wanted to know what they



COL. E. C. MORE

said, but the witness said he did not hear what they said. "Well," said Mr. Clark, "if they were talking loud enough to be heard a quarter of a mile, why was it you could not hear what they said?" "Because," said the witness, "the preacher was talking mighty loud." The jury thought the defendants talked loud enough to pay a small fine.

Mr. Clark was employed by the Missouri statute revision commission in 1909-10 and assisted in arranging the criminal code for the new statutes. He was secretary of Columbia's first chautauqua, in 1908.

Mr. Clark is a Presbyterian, an Odd Fellow and Elk.

H. A. COLLIER

"Jack" Collier, as he is universally known, is the grandson of a lawyer, and has been active in politics as well as the practice of law. He served as clerk of important committees in both branches of the Missouri legislature, and made a fine record as engrossing clerk of the senate of 1915. As city attorney of Columbia, Mr. Collier represented the city at a time when there were many damage suits on account of street paving and change of grades. He also assisted in revising the city ordinances.

While city attorney of Columbia, Mr. Collier cross-examined a negro woman in the police court, claiming that she had disturbed the peace. Then he asked her if she was not arrested for such conduct to which she replied that she was not. Mr. Collier again asked if she was not arrested by one of the city policemen, and again she replied that she was not. Calling the name of the officer, Mr. Collier asked what he did with her immediately after this difficulty, and the woman replied: "He took me and locked me up in jail, but he never arrested me."

Judge Ben M. Anderson says that several years ago Mr. Collier, whose ancestry had always been taught to speak of the "gentleman on the other side", had a case before a justice of the peace near Rochepoort, and that the defendant had employed no counsel. When the case was called, it was discovered that the defendant was a Ph. D., M. D. and L.L. D., and quoted law like one qualified for a position on the supreme bench. Whereupon Mr. Collier, with the manners of a Chesterfield, suggested that, not knowing he would be opposed by a doctor, a lawyer and a theologian, he would have to ask for a continuance, in order that he might have time to analyze the grave questions at issue. Realizing that Mr. Collier was taken by surprise, the justice granted the continuance.

Mr. Collier is an Elk.

T. T. SIMMONS

T. T. Simmons has had two positions which have enabled him to learn much of human nature, and at the same time given him an experience in legal matters. He was police judge of Columbia one term, and became familiar with municipal law; and he was claim agent of the M., K. & T. railroad for three years, and learned corporation law by practical experience.

While police judge, a colored woman made complaint regarding the misconduct of her husband, who worked at the Brown's Station coal mines. She said that he failed to come home Saturday night, and she learned that he had purchased a pair of lady's shoes, but had been unable to ascertain the name of woman for whom the shoes were purchased. A few days later, she saw her indiscreet husband, and took after him, chasing him through the streets of Columbia to the city cemetery, where he tried to hide behind a tombstone. On being asked by Judge Simmons if she had a knife, a pistol or a club, she replied that she did not. "Why, then, did your husband run from you?" asked Judge Simmons. Pointing her finger at her spouse, the woman said, "He ran because I had the evidence against him."

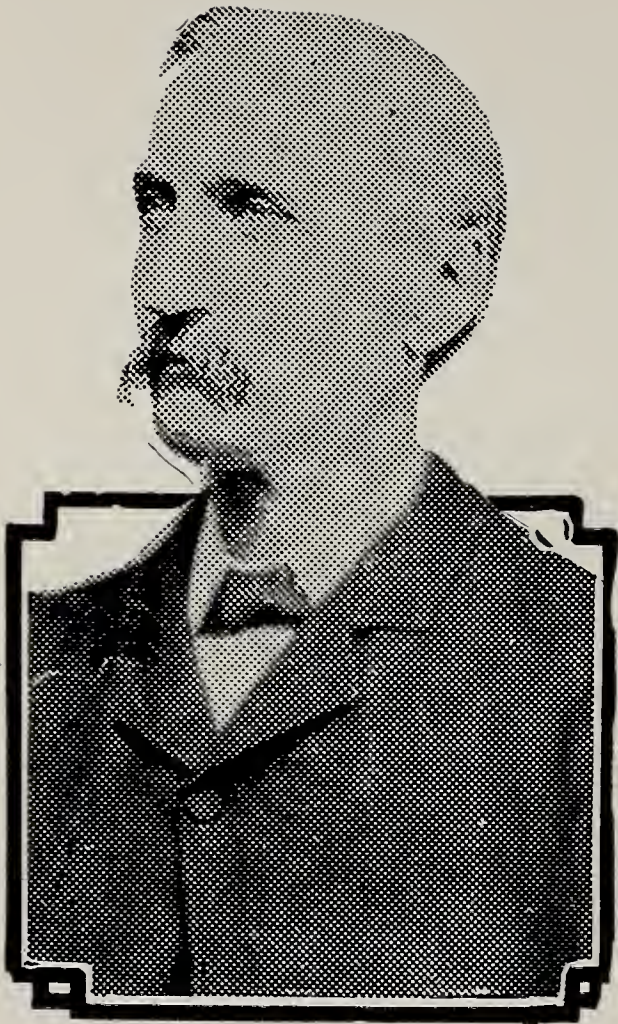
As claim agent, Judge Simmons first visited "Uncle Ef", an old negro near Claysville, whose mule had been killed by a Katy train, and who wanted two hundred dollars for the deceased animal. After listening to the many excellent qualities of the mule, Judge Simmons offered Ef ten dollars in full settlement, and the negro promptly accepted the offer. Later, it was learned that the mule was blind and had only cost the negro five dollars, and he sold the hide and carcass for three dollars.

Judge Simmons belongs to the Christian church and the Knights of the Maccabees.

RALPH T. FINLEY

For several years prior to practicing law, Ralph T. Finley was engaged in the abstract business with W. K. Bayless, of Columbia, and in that way became thoroughly familiar with land titles. Mr. Finley enjoys the distinction of being the leading counsel in a suit for slander of title, the only suit of that character ever brought in Boone county, and he gained the case (see Long vs. Rucker, 177 Mo. App. 402).

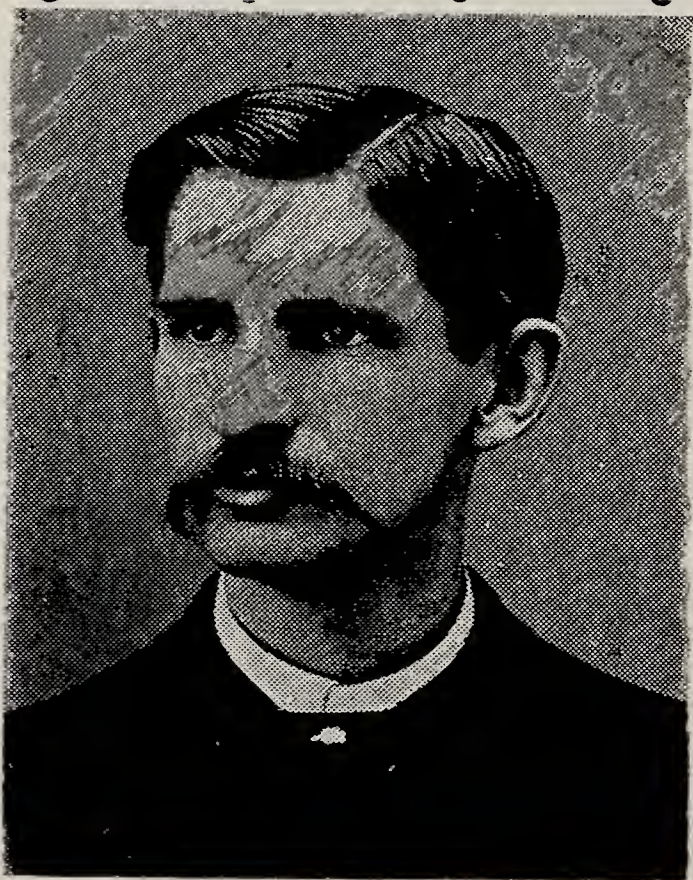
Mr. Finley is active in Masonic circles, and is frequently sent to neighboring lodges.



JUDGE N. D. THURMOND



LAKENAN M. PRICE



HENRY S. BOOTH



W. M. DINWIDDIE

Messrs. Finley and Sapp were attorneys for the circuit clerks association of the state, and attended to their suit in the supreme court, in which the constitutionality of the act of March 26, 1915, was decided.

They are now attorneys for the Central Bank of Columbia.

RUSSELL E. HOLLOWAY

Although one of the younger members of the bar, Russell E. Holloway has made a reputation as one of the best collecting attorneys in the county. If any tardy debtor has any property or expects to have any property, and the claim against him is placed in Holloway's hands, the debtor is anxious to make peace with his creditor.

At the trial of a colored divorce case, Mr. Holloway represented the husband, and the wife desired alimony. When the question was asked the husband what real estate he owned, he replied, "I own one small place, but it is pawned to Mr. Holloway."

WM. H. SAPP

W. M. Dinwiddie tells the following on Mr. Sapp, and on such authority, the same cannot be doubted:

When Wood Sapp and I began practicing law, the first case that came to us was a divorce case, and we were asked to represent the defendant. There had been thirty days service, and the case was set for the fourth day of that term; but we filed no answer. When the case was called, Wood thought he would be the leading attorney, so he spoke up and told the court that we would take the three days to answer in. A number of lawyers laughed, and I saw that a mistake of some kind had been made, so I laughed, too. Wood turned to me and said, "What are you laughing about, you don't know any more than I do about this?"

In 1914, Mr. Sapp was the successful candidate for representative, and, during the contest in the primary, the only thing that his opponents could say against him was that he was a lawyer and a bachelor. One of his opponents used about this language: "There is my young friend, Wood Sapp, who is a lawyer. You know a lawyer is like a livery horse; he hires out first to one man and then to another." Although Mr. Sapp is a brother of Sheriff G. B. Sapp, a cousin of Assessor P. H. Sapp and a cousin of Treasurer J. W. Sapp, all of which was told during the campaign, he defeated Rev. W. S. St. Clair, Richard Cook, Dr. C. O. Davidson and Thomas C. Scruggs.

Mr. Sapp has the distinction of being one of the youngest men to represent Boone county in either branch of the general assembly.

At the democratic caucus, Mr. Sapp made the speech nominating James P. Boyd, of Monroe county, for speaker of the house of representatives in 1915, and it was so eloquent and flowery that Mr. Boyd received the caucus nomination and was elected. Mr. Sapp was chairman of the University committee, and a member of other important committees.

Mr. Sapp is a Baptist and an Elk.

DINWIDDIE AND ROLLINS

Two of the younger members of the bar are W. M. Dinwiddie and Jas. S. Rollins, Jr. (better known as Morris Dinwiddie and Sidney Rollins); and they were associated together in the practice of law before the election of Mr. Dinwiddie to the office of prosecuting attorney. Mr. Dinwiddie then used good judgment and appointed Mr. Rollins his assistant. At the first term of court after they began prosecuting, these gentlemen were remarkably successful. They secured nine convictions, two acquittals and one hung jury, besides eighteen pleas of guilty.

Before beginning the practice of law, Mr. Dinwiddie taught school three years in Randolph county, and Mr. Rollins was raised on a farm, "Grasslands", on the Providence road. Mr. Rollins is a member of the Episcopal church.

Mr. Dinwiddie was the first to suggest the Country Club in Columbia, and was active in its organization.

GEO. S. STARRETT

After serving as assistant prosecuting attorney, and proving himself to be a good trial lawyer, Geo. S. Starrett ran for prosecuting attorney in 1914, and lacked only a few votes of securing the democratic nomination. A complete report of Mr. Starrett's official career must be told by some other author of an edition of this book which may appear in later years.

On December 1, 1914, Mr. Starrett was appointed city attorney of Columbia, to fill out the unexpired term of W. M. Dinwiddie, who resigned to begin the duties of prosecuting attorney. As was expected, Mr. Starrett is making good.

Mr. Starrett is attorney for the Knights of the Maccabees, and was elected delegate from that order to represent Missouri at the National gathering during the Panama-Pacific Exposition.

Mr. Starrett and Lakenan M. Price revised the city ordinances of Columbia in 1915, and the work, although very difficult, was well done.

In July, 1915, Mr. Starrett was unanimously chosen captain of the lawyers' base ball team, the first official of that new organization. Those who played with him were T. K. Catron, pitcher, Wm. H. Sapp, catcher, W. M. Dinwiddie, J. S. Rollins, Lee Walker, F. G. Harris, Lakenan M. Price, Ralph T. Finley and D. W. B. Kurtz. The first game was played by the lawyers with the Columbia bankers, on Rollins Field, and resulted in favor of the bankers by a score of twenty to three.

THOMAS A. STREET

Prof. T. A. Street, of the University Law School, is one of the honored members of this bar who is now engaged as a law writer in a foreign land. Prof. Street is a Presbyterian, and was interested in religious work while in Columbia. He delivered an address in the new Y. M. C. A. building one Sunday afternoon shortly after the completion of that building. His subject was "Christian Courage", but unfortunately some loose plastering interrupted his talk by falling from the ceiling, near where he stood, and Prof. Street forgot his theme. Mr. J. S. Moore, general secretary of the Y. M. C. A., says Prof. Street ran to a nearby window and jumped through the large glass, lighting on the ground some feet below, fortunately without injury.

LEE WALKER

Lee Walker, while born and partly raised in St. Charles county, spent most of his boyhood days in Columbia. He graduated from the Missouri University and was a Phi Beta Kappa of 1910, and then graduated in law and was a Phi Delta Phi of 1912. He enjoys the distinction of being the only law graduate to be appointed teacher of law, and begin teaching the next year.

Mr. Walker began his professional career by presenting some matter to the county court. In describing his experience, he said, "It is a good court, I reckon, but the three judges were trying three different cases at the same time."

Mr. Walker prepared the constitution and by-laws for the Boone County Bar Association, to be seen elsewhere in this book.

HERLEY S. DAILY

In May, 1911, the Boone county lawyers had a picnic and fish fry at Dully's Mill on Cedar Creek, and most of the members were in attendance. Herley S. Daily, a young lawyer, was there, and assisted in arranging the spread for dinner, placing everything on the

ground beneath a giant oak. Just before the others were called to dinner, Mr. Daily sat down, but by accident sat on a cherry pie, which made a lasting impression on his Palm Beach suit. In order to prevent his brothers in law from ascertaining the truth, Mr. Daily remained seated on the ground till dark. But the boys found it out, and Daily furnished the cigars.

At the lawyers picnic the next year at McBaine, a mock trial furnished the entertainment, and Mr. Daily was tried for insanity, and of course he was convicted. The proof of insanity consisted in practicing deception on the members of the legal profession, while attending the annual picnic the year before.

Before engaging in the practice of law, Mr. Daily was in the merchant-tailoring business.

D. W. B. KURTZ, JR.

Daniel Webster Boon Kurtz, Jr., is one of the few Boone County lawyers to be named for a man of National reputation. He enjoys the further distinction of being one of the few Boone county lawyers to have been seriously wounded, while attending to his duties as a practitioner. In 1912, Mr. Kurtz was endeavoring to collect an account for a client, and had brought suit on the same, when he was assaulted and stabbed on the face. Although suffering from the wound, he wrote a letter to the circuit court and asked to have his assailant paroled, which was done.

Mr. Kurtz was retained to defend a man charged with a felony, and he received a pair of mules for his fee. Later on, the son of the defendant brought suit for the mules, claiming that the animals belonged to him, and a jury in the justice of the peace court found in his favor and against Mr. Kurtz.

Mr. Kurtz graduated from the medical department of the Missouri University and practiced medicine for four years, the only physician, so far as known, who has reformed sufficiently to become a lawyer.

N. B. HAYS

Napoleon B. Hays, formerly attorney general of Kentucky, has recently moved to Boone county, and is practicing law in partnership with his son, Hume Hays. General Hays was attorney general at the time of the prosecution of the men charged with the murder of Governor Gobel, and he also represented the commonwealth in many antitrust prosecutions. He has practiced extensively in Oklahoma,



BOYLE G. CLARK

Kansas and other states. He was attorney for the Boone county court in the case with the Columbia special road district, a suit over the road and bridge tax.

LAKENAN M. PRICE

Mr. Price practiced law for several years in Washington, and there devoted himself largely to admiralty law. He represented a ship-owner in a libel suit, so-called, which was an action by the owner of another ship for damages. It was claimed that Mr. Price's client's ship was standing in the harbor channel at night; and failed to have lights in sight and the bell ringing; and that the plaintiff's ship was injured by reason of a collision. Mr. Price filed a cross-bill, in which he claimed the plaintiff had damaged his ship two thousand dollars by reason of negligently running against the vessel. As the crew on Mr. Price's ship made good witnesses, he gained his case.

Mr. Price was connected with another interesting case, which was unusual. A California man left his wife and three children and ran off with another woman, moving to Washington, where he died. His wife wanted his body shipped to her, but the second woman refused to give it up. So determined was the woman in possession that she had the body cremated, and the ashes were carefully placed in an urn and put in a vault of a safety deposit company. Mr. Price did not know whether to bring a replevin suit, or an attachment suit, or garnishee the safety deposit company, or just what to do, as the ashes had no value. He finally negotiated a compromise. He secured the money and personal property of the deceased husband, which he sent to the lawful widow, and allowed the paramour to keep the vase of ashes.

Mr. Price is attorney for the Merchants' Retail Association.

HONORED POLITICALLY

In 1912, the Progressive party, some times called in jest the "Bull Moose" party, honored two members of the Boone county bar, Morton H. Pemberton and F. W. Niedermeyer. Mr. Pemberton was nominated as its candidate for congress in the eighth Missouri district, and Mr. Niedermeyer was nominated as its candidate for secretary of state of Missouri.

ANONYMOUS

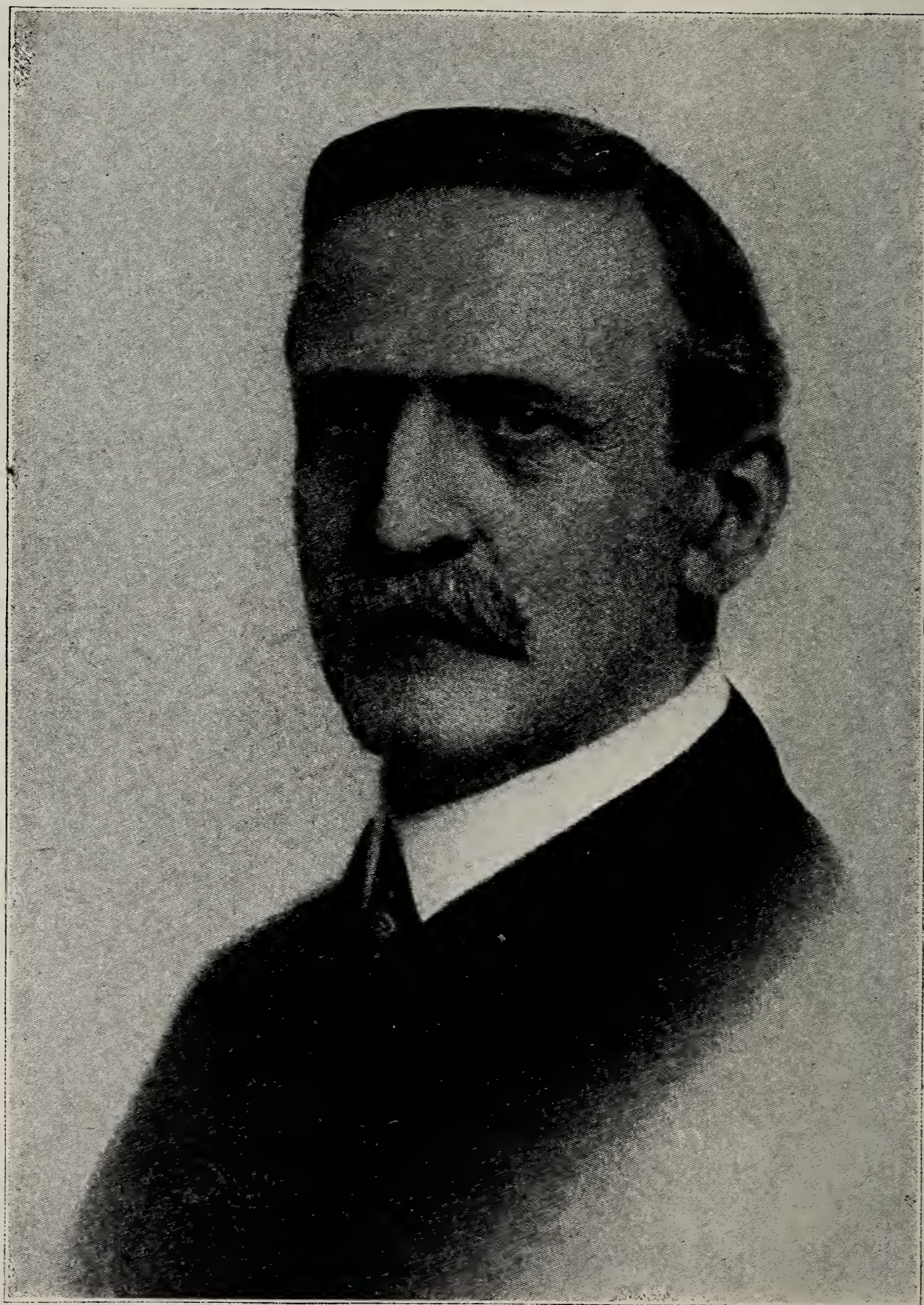
A story is told on a Boone county lawyer, whose name is withheld. It seems that he represented a plaintiff in a personal injury case against a railroad, and the question of the extent of the plaintiff's

injuries was an important one. It also seems that this lawyer was badly under the influence of liquor at the time of the trial. The railroad attorney referred to the condition of the plaintiff's attorney, and said that he did not know the difference between temporary and permanent. In reply, the plaintiff's attorney seemed to take in the situation, for he said: "This railroad lawyer says that I don't know the difference between temporary and permanent. And he also says that I am drunk; well that's temporary. But he hasn't got any sense; and that's permanent."

The following story was told by Judge Burckhardt on Crumbaugh, Bass, Truitt, Bedford, Gentry, Webb Gordon and other lawyers who began the practice during the 'eighties; but as to which one was the real party, deponent saith not. A negro with a police record was indicted for an assault, and the court asked him if he was guilty or not guilty; to which the negro replied that he was not guilty. The court then announced that Mr. ——— was appointed to represent the defendant. The negro asked if that was Lawyer ———, and when the court told him that it was, he said, "Well, Judge, I will plead guilty."

An old lawyer once ran against a young lawyer for the legislature, and both attended a gathering in Sturgeon, where dancing was the order of the day. The young lawyer was a graceful dancer, and in a short time he had nearly all of the ladies on his side. One young lady who was a friend of the old lawyer told him that he was about to lose out, and that he certainly would lose out unless he actively partook of this part of the entertainment. The old lawyer insisted that his dancing days were over, that he was out of practice, etc., but no excuse was accepted. So this young lady and the old lawyer started off together in a waltz. After making a desperate attempt and realizing that his effort was a failure, the old lawyer said, "Look here, Miss P., there is no use talking, I can't do two things at once, I can't think about politics and at the same time keep my feet going."

In 1891, a certain physician was on the witness stand in the probate court, and a certain lawyer undertook to prove by him that a certain farmer was a person of unsound mind. So the lawyer asked what were the habits of the farmer, with reference to sobriety. The old physician, who was feeling extra good, said, "Well, sir, he takes a drink whenever he feels like and thinks it is nobody's business, and so do I and so do you." When asked if the use of intoxicants did not have a tendency to make a man of unsound mind, the physician again observed, "Well, sir, if it did, it would be mighty hard on men like you and me."



JNO. H. OVERALL

CHAPTER VIII.

NOTED CASES

Some interesting, unusual and noted cases have been tried in Boone county, and some of them read like fiction. But all that are herein mentioned can be vouched for. It is unfortunate that a more complete list cannot be given, and that more of the interesting details have been forgotten.

FIRST CASE APPEALED

The case of Parthenia Easton vs Michael Woods was noted for the brevity of the record, and the difference between procedure then and now. It was an action of trover, to recover the value of a horse. It was tried before a jury in the circuit court in June, 1824, and ten months later the judgment was affirmed by the supreme court. On the circuit court record appears the bill of exceptions, copied out in full and signed by Judge Todd at that term; hence it was "made a part of the record." The bill of exceptions occupies four lines more than one page of the circuit court record book. The decision of the supreme court is also interesting, for it is a little over one-half a page long (see Easton vs Woods, 1 Mo. 506). Thompkins & French and Jno. F. Ryland, of Franklin, and Jesse T. Wood, of Columbia, have the honor of being the lawyers in the first case appealed from the Boone circuit court.

SENDING CHALLENGING LETTER

At the February term, 1831, the grand jury indicted Ira P. Nash, physician, surveyor and pioneer, for sending a letter, challenging Gilpin S. Tuttle to fight a duel. The wording of the letter was very adroit, but the intention of the writer was clear. The indictment was signed by R. W. Wells, attorney general, and the trial occurred before Judge David Todd, in Columbia. It resulted in the conviction of Nash and his being fined one hundred dollars, the only man ever convicted of that offense in this county, and one of the few ever convicted in Missouri. The letter is as follows:

Sir:

I have always been fond of the chase, and of gunning. I have experienced great satisfaction in the chase, in the countries of West Florida and New Mexico, and in the states of Virginia, Kentucky, Indiana, Illinois, Louisiana, North Carolina, S. Carolina, Missouri and Tennessee—in the extreme eastern part of the latter, I took my

first chase when quite a boy. Now, Sir, the object of this communication is to let you know that there is not anything could be more greatful to my feelings than to take a short hunt with you, in some place not exposed to Indiana depredations, and as my first chase was in the East of Tennessee, I propose to take this (perhaps my last) chase in the extream West of that state, say in the Mississippi bottom opposite New Madrid. I propose the hunting camp to be located some where near the Mississippi river (nigh to where the eye of Leonard flashed on Major Berry) and then and there the preliminary arrangements will be made for the hunt, by * * * * say our camp keepers—and they will, no doubt, give you liberty to execute your threat of 12th of June last, on me—and if you stick close to the chase, I insure that we will have something of better color, if not so strong scented, as that with which you plastered my letter 10th of last June.

To Capt. Gilpin S. Tuttle,
Nashville, Mo.

Yours, &c.,
I. P. Nash.

P. S. Sir—I most seriously invite you to this hunt—you may object to the season, but 'tis the best time to save meat and skins, and the climate is more mild at New Madrid than here. I have frequently observed that men by being campmates (each doing his duty) would become great friends, and agreeable associates. Therefore this measure is absolutely necessary three days after this is delivered, I shall call at Nashville for an answer for this invitation, believing most confidently that you will perfectly understand this prelude at the first glance. There is an embargo (and something worse) on those who execute certain instruments of writing in Missouri, which criminal words I have, and will avoid. But there is no law (that I know of) which prohibits hunting parties.

Yours,
I. P. Nash.

OFFICE FOR CIRCUIT CLERK

In 1832, the case of County of Boone vs Todd (3 Mo. 140) was decided by the supreme court. It was a proceeding by mandamus to compel the county court of Boone county to pay one hundred and twenty dollars for the rent of a room in the residence of Roger North Todd, which was used by him as a clerk's office and recorder's office for a number of years. The court house of 1824 did not have any office for the clerk, and the county court insisted that he was not entitled to any. The court went so far as to refuse to pay for a record book in which to copy deeds, holding that Mr. Todd must bear that expense also. But the circuit court decided that he was entitled

to an office, and if none was provided the county should pay rent for one; and this decision was affirmed by the supreme court. This was the first Missouri case to hold that the county should furnish an office for its officers. In this day when the county furnishes an office, heat, light, stationery, office furniture, janitor service, ice water and telephones, it seems hardly possible that an office or a record book would not be considered necessary. This suit resulted in the clerk's office building in 1835.

As late as May 8, 1866, the following appears of record in the county court: "Ordered by the court that the room in the southeast corner of the court house on the lower floor be set apart for the use of the county attorney, and that he pay a reasonable amount for the use of the same, to be deducted out of his salary."

February 1, 1871, was the first time the prosecuting attorney was furnished with an office free of rent (it was afterwards the sheriff's office), and he was allowed "sufficient fuel for the use of one stove."

THE MORMON CASES

In 1838, after the Mormons were driven out of Jackson county, they gathered in large numbers near the town of Far West, in Caldwell county, built a temple, and advertised for their friends in Illinois to come and join them. There were conflicts between the Mormons and the Gentiles, retaliations, etc., until serious trouble seemed inevitable. The Mormon war, or Mormon insurrection, created great excitement in northwest Missouri, and the state troops were called out by Governor Boggs, and they were joined by volunteers from Boone, Howard and other counties; and some fighting took place. The leaders were taken into custody, and turned over to the civil authorities, and their friends agreed to leave the state. As a result of the war, indictments were found against Joe Smith, Jr., Hiram Smith, William Osborn, Luman Wight, Parley P. Pratt, Luman Gibbs, Maurice Phelps and others, charging them with treason, murder, and resisting legal process; and against King Follett, charging him with robbery. The defendants appeared before Circuit Judge Austin A. King, formerly of Boone county, and asked for a change of venue, on account of the prejudice of the inhabitants of all the counties in that part of the state. The application was sustained and the venue awarded to Boone county. The following letters are of interest and explain themselves:

City of Jefferson Mo.

July 9th 1839,

To

Roger North Todd, Esq.

Clerk of Circuit Court,

Boon County Missouri.

Dr. Sir,

I am requested by the Governor to request you to forward to him at as early a period as practicable copies of the Indictments pending and proceedings had in the Circuit Court of Boon County against such of the Mormon prisoners as have escaped from custody; in order that their re-capture may be effected as speedily as possible. The request here made is intended not only to obtain authentic information of the recent escape from the county jail of Boon County, but also of the prior escape of those who fled from custody while on their way from Daviess County to the County of Boon, as the causes had been transferred to your court, and that tribunal had become possessed of it absolutely (see R. C. page 488 Sect. 27). I presume the certificate or return by the Sheriff of Daviess County of the escape of his prisoners was made to your office. As yet no intelligence, except that conveyed by rumour, has reached the Executive of the escape of any one of the Mormon prisoners. And as it is important, from many considerations, that the prosecutions should be conducted, without unnecessary delay and the guilt or innocence of the prisoners established, you will excuse me for requesting that you give this matter your immediate attention.

I have the honor to be, Sir,

Yr. Obt. Svt.

Jas. L. Minor,

Sec. of State of Mo.

Columbia Mo., July 12th 1839,

Hon. Jas. L. Minor,

Secretary of State,

Jefferson City Mo.

Dr. Sir.

I am in receipt of your esteemed communication of the 9th inst., and in reply beg to inform you that the Mormon prisoners were granted a change of venue from Daviess and Caldwell counties to the Circuit Court of Boon county, as you will see by certified copies of the indictments herewith enclosed. On their way to Columbia, the defendants Joe Smith Jr. and Hiram Smith managed to escape from the Sheriff of Caldwell county, and have not been heard from since.



ELI PENTER

On July 4, the patriotic people of this locality (and you will excuse me for saying that this embraces our entire citizenship) were engaged in a public celebration, which celebration took place something like one mile distant from the court house square. All of the Mormon prisoners, save the two Smiths, were confined in the county jail on that day; and, when the time came for Jailor John Kelly to take them their dinner, he was assaulted by them, knocked down and Parley P. Pratt, King Follett and Maurice Phelps escaped through the open door. Great credit is due Mr. Kelly, who, though seriously wounded, prevented the escape of the other prisoners. Mr. Kelly gave the alarm, but, owing to the fact that nearly all of the men in Columbia were at the fourth of July celebration, and the further fact that these prisoners fled in the opposite direction from the public gathering, all succeeded in making their escape.

However, Pratt and Follett have since been re-captured, owing to the dilligence of Sheriff John Martin and Deputy Sheriff F. A. Hamilton, of this county; and these two defendants and their co-defendants will be tried at a special session of court, which has been called by Judge Reynolds, of this circuit.

Kindly convey this information to His Excellency, the Governor, and assure him that the public officials and private citizens of Boon county will do their best to avoid any further disturbance. You will also kindly assure the Governor that the Mormon prisoners will be properly cared for and fairely tried.

Believe me sir, I am

Yr. Obt. Servt.

Roger North Todd,
Circuit Clerk.

The indictment against Parley P. Pratt, Luman Gibbs and Maurice Phelps was in twelve counts and alleged that the defendants "and divers other evil disposed persons (whose names to the Grand jurors aforesaid are as yet unknown) not having the fear of God before their eyes, but being moved and seduced by the instigation of the devil," committed murder, in Caldwell county. The last count of the indictment charged that Joseph Smith, Jr., Luman Wight and Sidney Rigdon, knowing of the murder committed by Pratt, Gibbs and Phelps, harbored and maintained them in Ray county.

Follett and Gibbs were tried before Judge Thomas Reynolds, of the Boone circuit court, at the August term, 1839, and both were acquitted. Colonel Alexander W. Doniphan, Major James S. Rollins and Judge David Todd defended them; and Circuit Attorney James M. Gordon, of Boone county, and Circuit Attorney William T. Wood,

of Ray county, represented the state. After the acquittal of Follett and Gibbs, the cases against the remaining defendants were continued in order that the defendants could procure the testimony of Gen. David R. Atchison, also the depositions of witnesses in the state of Illinois and territory of Iowa. At the next term of court, the cases were dismissed, and thus ended the greatest combined legal, military and religious contest in Missouri.

UNIVERSITY SUBSCRIPTION CASE

In 1839, the sum of one hundred and seventeen thousand, nine hundred dollars was subscribed, on condition that the State University should be located in Columbia. When the University was located in Columbia, of course the money had to be paid, but some of the subscribers were unable to raise the amount promised. Accordingly, the Curators of the University brought suit against Jas. S. Rollins, Moss Prewitt, Edward Camplin, Wm. Y. Hitt, Sidney S. Robinson, Jefferson Garth and the others who guaranteed the payment. This case was continued along for a term or two, and finally the guarantors made good the shortage, and the case was dismissed.

It is said that Jas. M. Gordon made his first fees of importance, collecting these subscriptions; and he collected all of them. Some persons mortgaged their homes in order to pay their subscriptions; and some of the mortgages had to be foreclosed.

ANOTHER UNIVERSITY SUBSCRIPTION CASE

At the April term, 1842, the case of State ex rel. Curators of University of Missouri vs William Lampton et al. was tried, and resulted in judgment for the plaintiff for five hundred and ninety-three dollars. This was a suit on the bond of William Lampton, constable of Columbia township, and it was alleged that the defendant, Lampton, collected various sums of money from persons who subscribed for the location of the University in 1839, that he failed to account for said money, etc.

THE POISON CASE

It seems that there were sensational cases in the "olden time", as well as now days, though possibly not as many. In 1847, Samuel C. Grubb and Sally Ann Hendrick were charged with the murder of John Hendrick, by mixing arsenic in coffee and causing him to drink the poisoned liquid. A preliminary examination was had, and both

defendants were bound over without bail. The deceased was the husband of Sally Ann Hendrick, and they lived near the farm of Grubb in Perche township. One witness testified that Mrs. Hendrick said she wished her husband was dead. It was claimed that Grubb wanted the young wife of Hendrick to leave him and move to Grubb's house; and it was further claimed that Grubb bought arsenic from a Columbia druggist, inquired of a physician how much of that poison was sufficient to kill a man, and, after the death of Hendrick, said that Hendrick had been murdered and that some other man in the neighborhood might soon be murdered. A statement was made by Hendrick shortly before he died that he believed Grubb had mixed the dose for him, and that his wife gave it to him. Both defendants were arrested in Randolph county, a few days after the death of Hendrick. But in spite of these circumstances, the skill and eloquence of A. Leonard, Samuel A. Young and Sinclair Kirtley were sufficient to raise a reasonable doubt, and secure a verdict of not guilty.

COL. SCHWABE IN COURT

For some years after the Civil war, there was a strong southern feeling in Boone County, and Col. H. C. Schwabe, one of the leading republicans of the county, knew how to take advantage of it. Gen. Odon Guitar and Col. Schwabe were both republicans, but belonged to different factions, and were constantly sparring at each other.

Not long after the war, a negro was being prosecuted by Col. Schwabe, who claimed that the negro had stolen a quilt from Schwabe's dwelling. After Col. Schwabe had taken the witness stand and identified the quilt, General Guitar, who represented the defendant, asked how he could distinguish that quilt from the thousands of others just like it, as he had had no experience in handling such articles. Col. Schwabe hesitatingly said, "If you want me to tell all I know about that quilt, I guess I will have to tell you. During the war, you (referring to General Guitar), Captain Cook and I were out in Blackfoot, doing what the government called 'confiscating property' but what we called 'helping ourselves.' We came to a widow's house, and all she had left was three quilts; one was a silk quilt, one was a woolen quilt and one was a calico quilt. So the boys took the silk quilt and gave it to you, and they took the woolen quilt and gave it to Captain Cook, and they took the calico quilt and gave it to me, which is the very quilt this nigger stole."

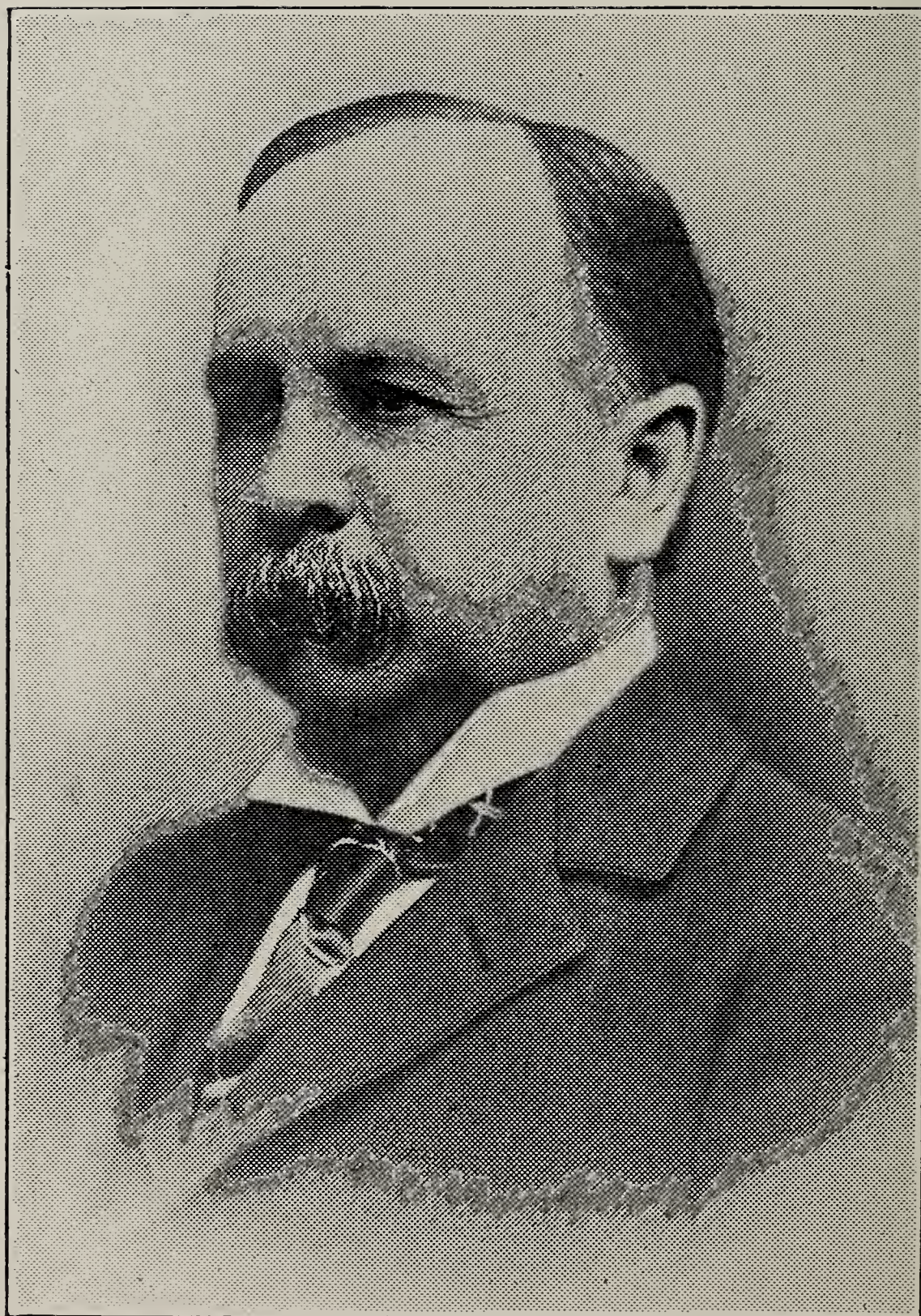
Not long after that, Col. Schwabe was in court, and Judge Burckhardt fined him ten dollars for talking out loud and causing some parties to laugh, among whom was Luther Crumbaugh, then deputy

sheriff. Col. Schwabe paid his fine; and a little later, he begged the judge to remit it, saying that he had profound respect for the court, and meant no contempt at all. The judge broke out in a laugh, and remitted the fine on condition that Col. Schwabe would leave the court room and never return. Col Schwabe agreed to this and left the court room as fast as he could walk; but picked up Judge Burckhardt's stove pipe hat and carried it off with him. Judge Burckhardt said, "Mr. Sheriff, go and call Col. Schwabe, tell him to come back and bring back the court's hat, or the court will fine him many times ten dollars."

HE WAS NOT GUILTY

In October, 1871, Frank Meyer left Columbia and went in company with Robert Schwabe to Rocheport, and the last time the two were seen together was near the bank of the Missouri river. Schwabe was expecting to buy cattle, which Meyer had agreed to butcher for him. Schwabe suddenly disappeared and Meyer returned to Columbia, and exhibited considerable money. The supposition was that he had murdered his companion, taken all of the money off of the dead body and thrown the body in the river. There were many suspicious circumstances against the defendant, none of which he could satisfactorily explain, neither could he account for the absence of Schwabe. So positive was the proof that Jno. C. Schwabe, a brother of the supposed murdered man, visited Thos. B. Gentry, a justice of the peace of Columbia township, at midnight, made complaint and had a warrant issued for Meyer. When the officers went to the defendant, he resisted arrest; and when overpowered by them, he said that he wished he had a knife as he wanted to cut his own throat. Col. H. C. Schwabe, father of Robert Schwabe, advertised for the missing man, offered a reward for the recovery of his body and had a number of men spend much time trying to get the body out of the river. Great excitement prevailed in Columbia and near Rocheport. After the evidence was taken at the preliminary examination, and while the prosecuting attorney was making his closing argument, the supposed murdered man, while on his way to Columbia, was arrested by a man desiring the reward and taken into the court room. He had been to Cooper and Saline counties, had written home, but the letter was mis-carried.

Col. Schwabe declined to pay the reward, but suit was brought and he was compelled to pay it.



JUDGE SHANNON C. DOUGLASS

THE GOOSE CASE

As far as known, the first justice of the peace in Missouri to deliver a written opinion was Thomas B. Gentry, of Columbia township. Not far from the historic Bonne Femme Baptist Church, and near the banks of a little stream, now called "Goose Creek", two women had a difficulty, which resulted in the name for the creek, a bruised head for one woman, and a criminal prosecution in the magistrate's court for the other woman. The time consumed in the trial of this little case was five days; three days in the taking of testimony, one day in argument and the justice took one day to consider the case. Seven of Boone county's leading attorneys, Odon Guitar, Squire Turner, A. J. Harbinson, Wellington Gordon, J. DeW. Robinson, F. F. C. Triplett and H. C. Pierce, took part in this noted trial; and a host of witnesses and many spectators thronged the old court house. The written opinion of Justice Gentry is as follows, and the same was read by him to the eager crowd in the court room:

"State of Missouri vs Rachael Scott. The defendant is charged with feloniously assaulting, with a dangerous weapon, and maiming, wounding, disfiguring, causing great bodily harm and endangering the life of Sarah P. Gans, under such circumstances as would have constituted murder or manslaughter, if death had ensued. The defendant entered a plea of not guilty, she admits the striking but claims that it was done in the defense of her own property, to-wit, two geese.

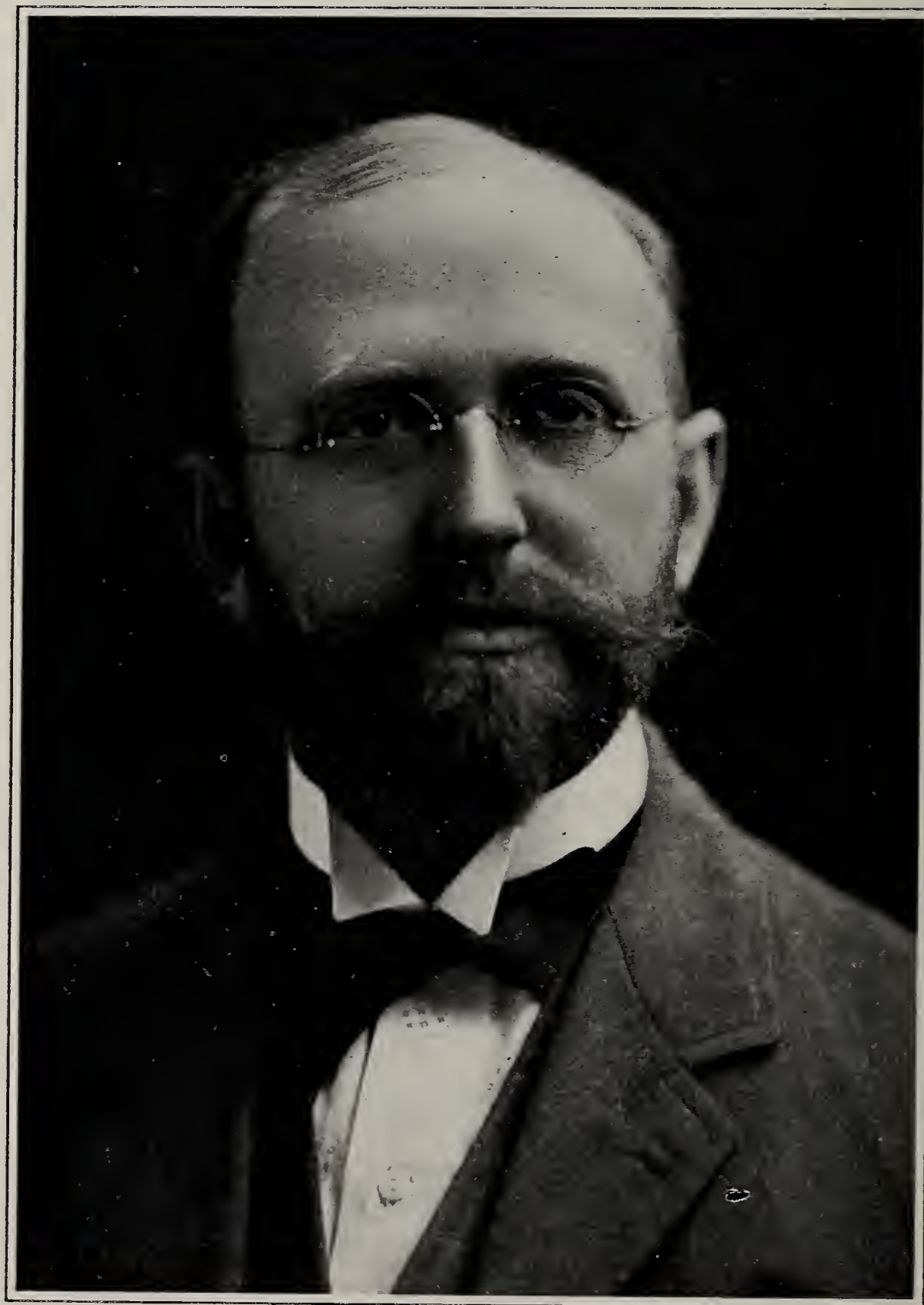
"From the evidence in this case, it appears that for some time previous to the 28th of February, 1872, Mrs. Rachel Scott, the defendant, and Mrs. Sarah P. Gans had been living on neighboring farms south of Columbia; and that for a long time they had not been on friendly terms. On that day, Mrs. Gans entered upon the premises and within the enclosure of the defendant, without permission or invitation, and began driving four of her own and one or two of Mrs. Scott's geese. The testimony also shows that the defendant warned Mrs. Gans to let the geese alone, stating to her in a loud tone of voice that two of those geese belonged to her (defendant), but that Mrs. Gans continued to drive all of the geese toward the front gate, which she had previously propped open. She was in the act of driving them through said gate and onto the Columbia and Ashland gravel road, when the defendant struck her.

"I regard the entry of Mrs. Gans upon the defendant's premises, under the circumstances, as a trespass; and the attempt to drive off defendant's geese, or goose, as the case may be, without permission as a still further trespass. Mrs. Gans was clearly in the wrong place,

where she had no right to be, and engaged in the commission of an unlawful act and must be considered a trespasser. Under these circumstances, she was assaulted by defendant with a pine stick twenty-two and one-half inches in length, one inch and a quarter in thickness and two inches wide, which stick was picked up by the defendant after she started out from her house to where Mrs. Gans was driving the geese. The wounds produced by this stick upon the person of Mrs. Gans were not shown to be dangerous wounds, or disfiguring wounds, and it was not shown that her life was endangered thereby. The assault made by defendant, under such circumstances, viewed in the light of human law, I regard as justifiable. The battery, however, which was proved to be considerable, and was not resisted, was perhaps excessive, and went beyond what was necessary for the defendant to make in order to keep possession of her personal property. Yet considering the results and effects of this battery, as they appear in the testimony, I can not regard them as sufficiently great to constitute a violation of Section 33 of Chapter 42 of Criminal Code of Missouri. In other words, if the defendant had intended to kill Mrs. Gans, I do not believe she would have selected this little pine stick. The offense then, in my opinion, is reduced to a simple assault and battery; which until properly charged and sworn to, I shall not feel called upon to have investigated. I therefore discharge the defendant from custody."

After being discharged by the justice, Mrs. Scott was sued by Mrs. Gans in the Circuit Court for damages, resulting from this assault and battery. The case was a long one and the jury experienced great difficulty in deciding it; it was not decided till several lawyers and numerous witnesses had told all they knew regarding the two geese and the two women. One witness, a son of Mrs. Scott was rigidly cross-examined by General Guitar, regarding his knowledge of whom the two geese belonged to. The witness insisted that he knew they were his mother's geese, as all of their old ganders were named. When he was further cross-questioned as to their names, he replied, "One was blind in one eye, and we called him Ben Butler. One was a great fighter, and we called him General Pointdexter. And the third whipped Pointdexter and ran him off the place, so we called him General Odon Guitar." In spite of the fun at General Guitar's expense, he secured for his client, Mrs. Gans, a judgment to the amount of five hundred dollars.

During the Civil war, General Guitar was in command of the United States forces, and he had several engagements with General Pointdexter, who commanded the southern forces; Guitar compelled Pointdexter to retreat several times, and finally to leave the state; and this was what the witness referred to.



WM. R. GENTRY

LIGHTNING ROD CASE

During the seventies, nearly every one was convinced that it was necessary to have a lightning rod on his dwelling and barn; and some designing persons took advantage of this belief. Two men, claiming to represent the Missouri-Michigan Copper Company, visited a Perche township farmer and offered to put a copper lightning rod on his house for two dollars. The farmer agreed to it, signing a written contract, which was said to be just a formal matter, which the agents desired to send to headquarters. In a few days, other representatives of the company called and demanded two hundred dollars, the consideration expressed in the written contract. A law suit resulted, in which General Guitar represented the farmer, and he made the following appeal to the jury: "Lightning never strikes in the same place twice. Now my client has been struck, but he will never be hit again. But, for the good of the public, it is the duty of the jury to strike these sharpers with a bolt of lightning, so it will not be necessary to strike them again." The jury agreed with him; and the case was too plain to appeal.

THE WATERMELON CASE

While Judge Burckhardt was on the bench, an old lady residing on the Two-mile Prairie had thirteen young men prosecuted for petit larceny, the alleged criminal act being the taking and carrying away in the nighttime of certain melons from her watermelon patch. Nearly all of the small boys in Columbia attended the trial, and the arguments of Carey H. Gordon and Ev M. Bass, for the state, and Wellington Gordon, Henry B. Babb and Col. S. Turner, for the defendants, were filled with wit, poetry and pathos. It "leaked out" during the trial that the father of one of the boys, although protesting his son's innocence, paid the old lady for the damage done to her watermelon patch. This bit of evidence proved to be the salvation of the defendants, each of whom tried in vain to prove an alibi. J. S. Branham, E. T. Rollins, E. M. Price, Wm. F. Cunningham, Moss P. Parker and Louis Hickam were on the jury. As soon as the jury retired, Judge Burckhardt left the bench and said to the state's attorneys: "Now, I know the personnel of that jury, and knowing them as I do, it is my opinion that you had as well dismiss this case." In a few minutes, the jury returned into court with a verdict of not guilty, and Judge Burckhardt said, "Gentlemen, under the circumstances, that is a righteous verdict." In explaining the verdict, one of the jurors said: "It won't do to convict a boy of stealing watermelons. Nothing would save us from that charge, except the statute of limitations."

POETRY CLEARED HIM

In 1893, Joseph Wagner, a German laborer on the construction gang of the M., K. & E. railroad, was arrested for stealing forty-four dollars in cash and a bone handle pocketknife from his fellow workman, Levi Hanks. All of the parties were drinking at the time of the alleged larceny, but the circumstances were very strong against Wagner. He was tried four times in the circuit court, twice convicted, an appeal taken to the supreme court (see *State vs Wagner*, 118 Mo. 626), once the jury failed to agree and the last trial resulted in his acquittal. The evidence showed while Hanks was asleep on a dump near Providence, some one took his knife and his money; and the knife and the same amount of money were found a few hours later in Wagner's pocket, and Wagner had employed a man to drive him in great haste to Columbia, so that he could take the afternoon train on the Wabash to St. Louis. At the last trial, a photograph of the defendant, which had been taken and sent to St. Louis, was identified as a picture of a man named Joseph Wagner who had cashed a money order for sixty dollars at the St. Louis postoffice, shortly before Wagner came to Columbia. There was also evidence at the last trial that one of the workmen, named Skip Archer, was present, saw Hanks wake up and told him that he had been robbed, and that he had better run after Wagner for his money. Almost immediately, Skip Archer crossed the Missouri River and disappeared. This was the straw that the defendant caught at, and tried to lay the blame on the absent Archer. In addressing the jury, defendant's attorney, N. T. Gentry, followed the example of Senator Sam C. Major, and spoke as follows regarding Skip Archer:

Farewell, Skip; thy race is run,
By stealing, that money was won;
By skipping, thy skin was saved,
By lying, suspicion allayed.

The ground was wet, the air was cold
When he left poor Hanks with the bag to hold.
Like lightning off on his mission he went,
Leaving old Hanks without a cent.

And a letter the next day
That came in the mail,
Brought the news that the sheriff
Was close on his trail.

So nothing since then
Has ever been heard
Of that wonderful Skip,
Who skipped like a bird.

HAMP HARNEY'S PULPIT CHAIRS

The "Columbia Missouri Herald" contained the following, which is the best and most accurate account of the amusing trial of one of Columbia's colored citizens, and which we copy by permission:

One of the most remarkable cases the Boone county circuit court was ever called upon to try was that of the State of Missouri vs Hamp Rollins, alias Hamp Harney, colored, charged with petit larceny. The case was tried at the November term, 1895. The case arose out of a church difficulty. Several years ago the colored Methodist Church of Columbia, usually known as St. Luke's Chapel, completed their new house of worship, but ran out of funds and were unable to provide chairs for the pulpit. Accordingly, Hamp Rollins, whose Sunday name is Hamp Harney, who was born in the camp of old General W. S. Harney, who flourished on the plains, came to the rescue. Hamp was at one time owned by Major James S. Rollins and was his carriage driver and assisted him in some of his famous campaigns for governor by driving him around over the state. Hamp had gotten rather high ideas as to the fitness of things in the exalted position he had held under Major Rollins. He had long been numbered among St. Luke's brethren and concluded he would purchase two chairs for the pulpit. He bought the chairs of G. F. Troxell, a furniture dealer, and paid Alex. Stewart to paint an appropriate name on the back of each chair. Mr. Stewart not being a Methodist, but having Presbyterian ideas, labeled one of the chairs Ezekiel and the other King David.

Harney duly installed the chairs in St. Luke's pulpit. He allowed the minister to occupy Ezekiel, but reserved King David for his own special use. As some of the witnesses in the trial testified, "every Sunday morning old Hamp sat down on King David."

In due course of time some jealousies arose in the church. The lay brethren argued that Brother Harney was not a minister, not an officer, but a very ordinary member and should not be allowed to occupy such a high seat in the synagogue, or such a good one. Accordingly, a resolution was passed by the church requiring Brother Harney "to set his chair down on a level with the common niggers." Brother Harney and his chair were thus reduced to the level of the congregation. Harney's opponents in the religious field were still not

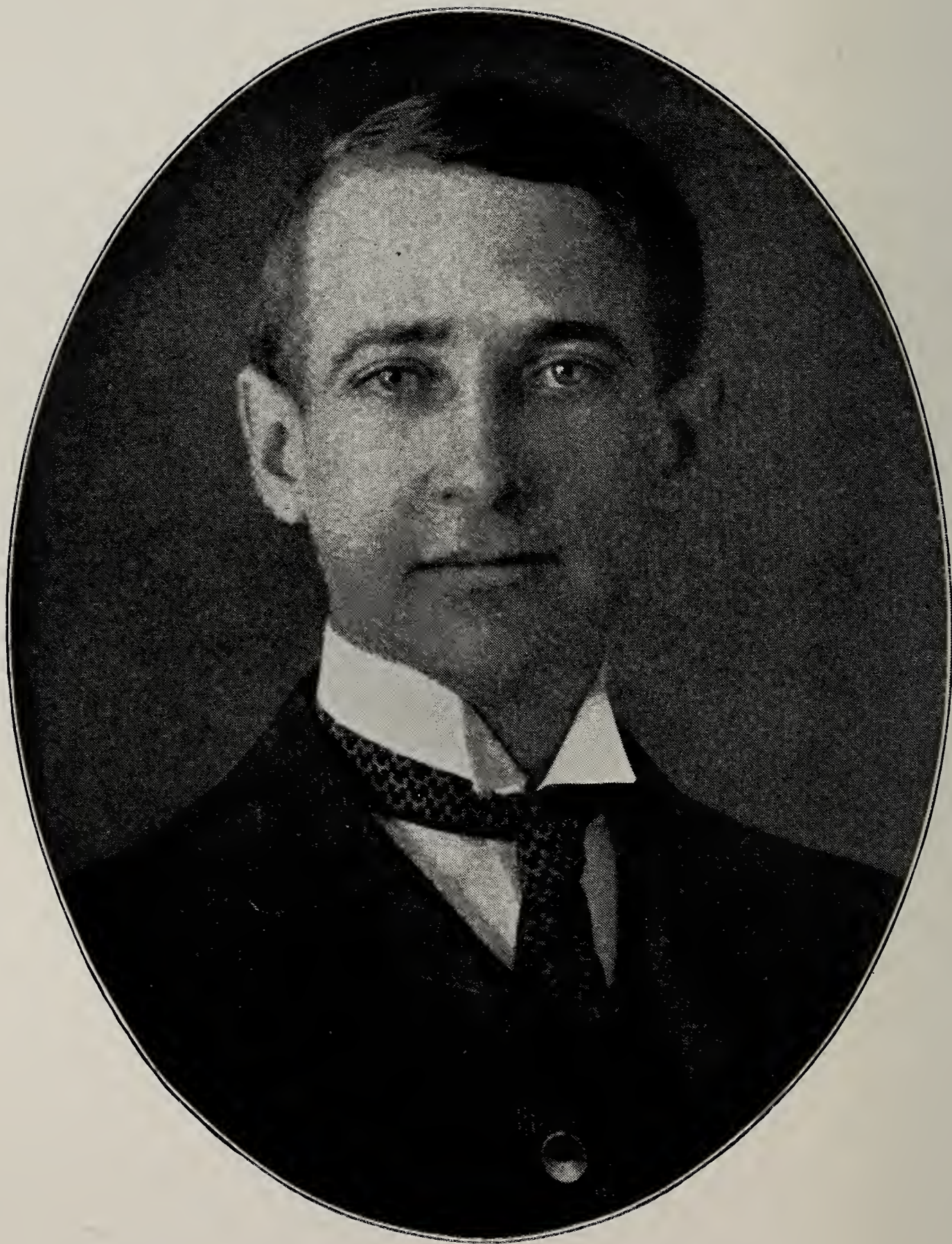
satisfied. They decided that the chair should be placed back in the pulpit to be used by the visiting brethren and that Brother Harney should be allowed to occupy the amen corner. The occupation of this corner by him still created jealousies, so Brother Harney, by request took the mourner's bench. Since he was not a fit individual for the mourner's bench, a resolution was passed requiring him to "take a back seat in the sanctuary".

The question of Brother Harney's seat now appeared to be settled, but another source of trouble developed. There was a misunderstanding in the church choir, and Brother Harney, getting tangled up in it, lost his standing in the church and was peremptorily discharged. As he was leaving he picked up King David and carried it off with him. Seeing that they had not only lost a member, but a chair, the members and officers of the church began to make arrangements to restore both. After a few conferences and a few concessions, Brother Harney was taken back in to the church, provided he would bring King David back with him. This he did and everything moved along smoothly for a time.

One day, however, Brother Harney accused Brother Clay of stealing chickens. At the trial, which was had before the church conference, Brother Clay was, as a matter of course, acquitted, and Brother Harney was at once tried for being a false accuser, convicted and again turned out of the church. When the offending brother left the church this time, much to the annoyance of the minister and the congregation, he carried off Ezekiel with him. King David, however, was left at the church.

Shortly after Brother Harney left the church for the second time, the colored Methodist conference met in Columbia, and the congregation sought to bind up all difficulties. It was arranged that if Brother Harney would come back into the church and bring Ezekiel with him, they would all bury the hatchet and Brother Harney should be exalted to the position of "class leader." The trouble was thus smoothed over and again everything was lovely.

In the course of a few months, however, the war clouds again began to gather. The question of who should be "first in the kingdom" and the choir difficulty had been settled, but now that other great source of church trouble—the minister—appeared, causing fresh breaches of the congregation's peace. The church was pretty evenly divided on the matter and each side lined up for battle. Brother Harney, together with most of the men and a few of the ladies, twenty-seven in all, were opposed to the preacher, while the bulk of the ladies were, as usual, on the preacher's side. Their number was



M. R. CONLEY

twenty-three. One of the ladies, Miss Johnson, was a school-teacher and had studied civil government and politics. She realized that it was necessary to get rid of this majority in some way. Now, there is a rule in that church that when a charge is pending against any member, that member is not in good standing and cannot vote on any proposition. Accordingly, Miss Johnson preferred charges against all twenty-seven of the opposing faction, the charge being that they had forsaken the faith. The twenty-three then tried the twenty-seven, one at a time, and turned them all out of the church. At the "love feast" which followed, in discussing their difficulty, Brother Harney grew eloquent and referred to Deacon Burrel Diggs as "a hard case on general principles and the king rooster of rascality". Brother Harney, one of the unfortunate twenty-seven, was so indignant and felt that justice had been so outraged that he picked up Ezekiel and King David both and carried them off home with him. Furthermore, as he left the church door, he stopped and took particular pains to shake the dust off his feet.

For Brother Harney's last offense, complaint was made to a Columbia justice of the peace, and the offending brother was arrested, charged with petit larceny. It was at this point that the matter got into the courts. At the trial in the justice's court, Brother Harney was his own attorney, and according to that old familiar rule of law, "when a man is his own attorney he has a fool for a client," he was convicted and fined one cent. So indignant was he at the result, and so distressed was he "that a member of the Rollins family should be convicted of stealing," that he appealed the case to the circuit court of Boone county, where it was tried in due course before Judge John A. Hockaday, without a jury. The attorneys in the case, James L. Stephens and N. T. Gentry, the former a Baptist and the latter a Presbyterian, experienced great difficulty in their efforts to settle a Methodist misunderstanding.

On the day of the trial Hamp Harney appeared attired in a stove-pipe hat and a blue, army overcoat, well covered with brass buttons and carrying a gold headed cane.

The main witness against him was Deacon Burrel Diggs. In testifying against Harney, Deacon Diggs informed the court that they didn't care so much for the value of the chairs but that "when a man stole chairs from a church on Sunday, with people looking at him, it was adding insult to audaciousness". He further explained that "if Brother Harney had gone slippin' around in the night and took them cheers, nobody would have said nothin' about it". In his excitement, Deacon Diggs explained that Brother Harney bragged beforehand that

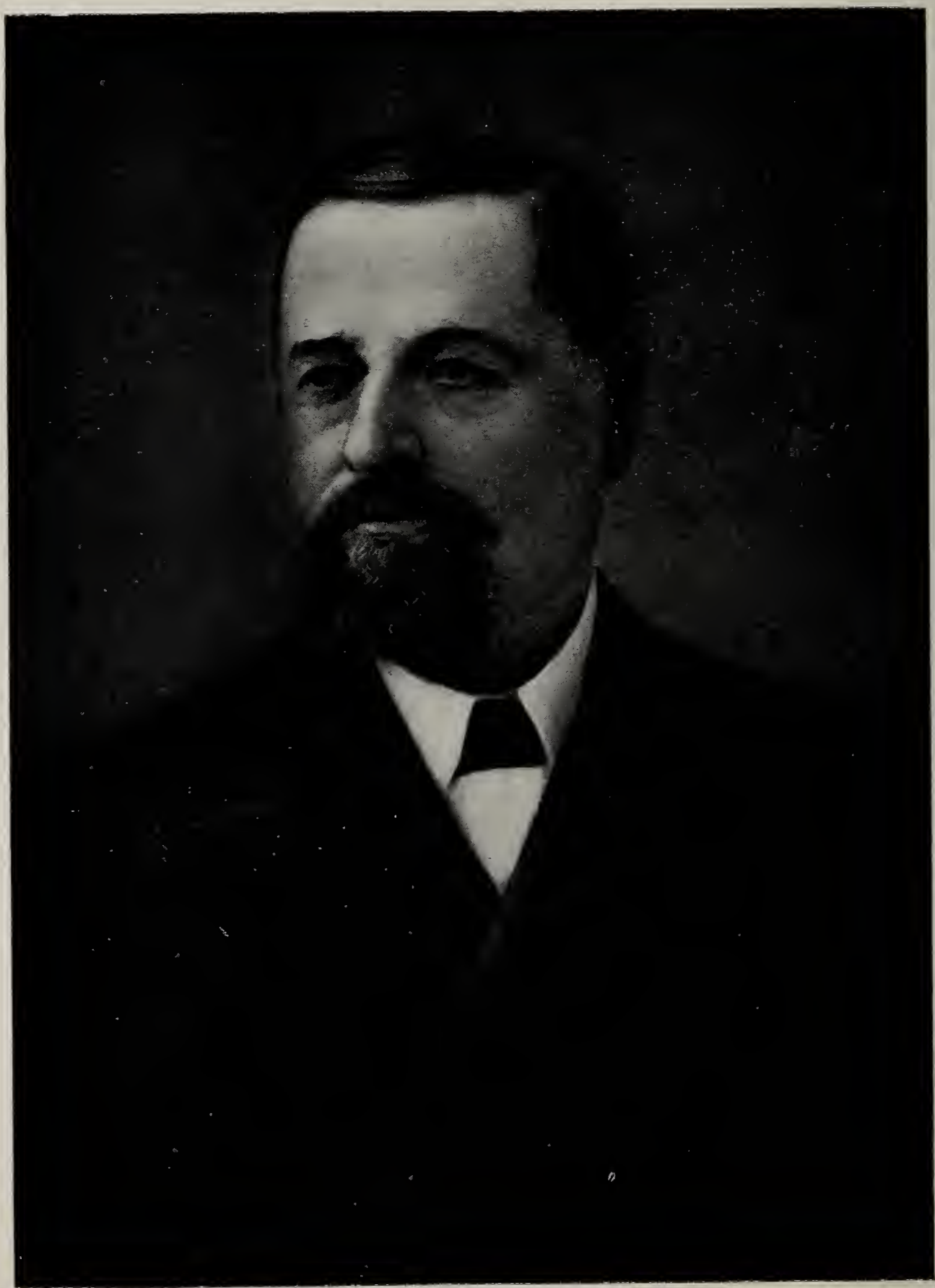
he was going to take them, bragged afterwards that he had taken them and actually took them, with two persons, of whom Bart Akers was one, looking at him. As opposing counsel objected to Diggs giving hearsay testimony, unless he was there, Diggs replied: "I was not there, sir; don't you know I was not there. Bless your life, if I had been there, he never would have took them. He might have had old David, but I would have slapped him baldheaded before I would have let him have Icicle."

At the church meeting immediately after the chairs disappeared, Deacon Diggs, Brother Cook and Brother Willis were appointed on a committee to visit the unruly brother and to require that the chairs be returned. It was suggested by Aunt Jane Brown that there should be some of the "sistern" added to that committee, but the venerable Brother Willis objected for the reason that the "sistern" would be all right in case they wanted talking, but this case demanded some mighty good acting.

Brother Diggs started to go around that night, while the matter was hot, but realizing, as he said, "that sometimes when you crowd an old coward too much, he will fight", and while he was not then afraid of him and was not now afraid of him, yet he concluded that in the abundance of precaution, it might be better to visit Brother Harney the next morning, as he stated, "so if I had to run I could see which way to run". Deacon Diggs further said that when he was going to Brother Harney's the next day, Brother Harney saw him coming and "run like a sheep-killing dog and hid in the weeds in his garden, and from the number of weeds that he's got in his garden, you gentlemen would certainly know that he is a lazy nigger".

Miss Riley, who was one of the witnesses, was the "lady" whose singing in the choir displeased Brother Harney, and was the means of his falling from grace the first time. On the witness stand, she hesitated a long time before she would explain why it was that Harney was compelled to withdraw from the church, but after much urging, she said the reason was this: "He said I was the leading lady soprano in the choir, which was true, but he also said something which was not true, and that was that when they wanted me to sing I wouldn't sing, and when they didn't want me to sing, I would sing."

Brother Cook, then called to the stand, was asked if he knew Brother Harney, and he replied: "Yes, I regret to say I do". When asked if Brother Harney had been a member of that church, his reply was: "Yes, be it said to the everlasting disgrace of the church". He was finally questioned as to what his feelings were toward Brother Harney, and he replied: "I have none; I am done past feeling".



CAREY H. GORDON

Old Aunt Linda Johnston, a deaconess of the church, claimed that the real trouble with Brother Harney was that "he and a few others belong to the praying and paying faction, and the rest of them was jealous of them for that reason". Josiah Peach and wife also stood by Brother Harney because the preacher who was succeeded by the minister who caused the trouble was Josiah's son-in-law.

Harriett Jackson was another witness. She was as black as she was fat, and as fat as she was black. When called into court she came up the steps and around to the witness stand in such a hurry that she was out of breath, and was thereby unable to tell that which she had longed so long to tell. It was generally understood, however, that had the police not interfered with Aunt Harriett, she would have settled the chair trouble without the aid of courts or lawyers.

At the close of the state's evidence, Judge Hockaday decided that there was no proof that the defendant stole the chairs, he having purchased them, paid for painting them and exercised ownership over them. In fact, the judge said, it seemed to be customary for him to take off one chair every time he was turned out of the church. As nobody complained of that and as he had as much right to take off both chairs, as one, that certainly showed that he had exercised ownership over them with the knowledge and consent of all parties. The judge held that while Brother Harney was guilty of a trespass, perhaps, he was not guilty of larceny. He was consequently acquitted.

Hamp Harney was much displeased at the result of his case, for, said he, "all of the other side have been on the witness stand and have told their story and I haven't had a chance to tell mine". He said it wasn't fair to treat him that way. Even after the verdict of "not guilty" had been pronounced, he asked permission to make a few remarks, but his attorney advised him that it was better to let well enough alone.

The next day Harney once more appeared in court, saying he was in trouble again. When asked what on earth was the matter, he said he couldn't make the niggers stop talking, and that they were not only slandering him, but were slandering the judge that cleared him. Having heard that there was some kind of a suit to be brought to prevent people from doing an unlawful deed, he was anxious that that sort of a suit should be instituted to stop the negroes from misrepresenting the facts in the case. Judge Hockaday told him that while the court could grant an injunction to prevent certain things, no court on earth could stop a negro from talking.

PATENT CHURN CASES

The most amusing case that was tried at the June [1897] term of circuit court was the case against W. U. Billingsley, popularly called the patent churn case. Some two years ago, a couple of smooth looking and easy talking gentlemen from a distance went around over Boone county with a wonderful invention, as they called it, and tried to get into the favor of our farmer friends. The invention referred to was the dairy swing churn, which they said was a most useful and valuable addition to the domestic department of every family. It is said that they represented the churn as the best in the world, the most easily sold of any on the market, a gold mine, a mortgage lifter; and also that they had sold churns to every farmer on both sides of the Ashland gravel road from George Bradford's to Salem Church. A number of farmers were induced to embark in the business of selling these churns to other farmers, much to the regret of all parties concerned. W. U. Billingsley, P. H. Ellis, William O. Ellis, Luther Pulliam, Ben P. Matthews, J. F. Waters, Cornelius Goodding, C. W. Rowe, J. N. Roberts, and others, bought the right to sell this churn in different counties in this state, expecting to make a large fortune in a week or two. But in their efforts to reap the fortune, they were sadly disappointed, for the old churns would not sell worth a cent. Mr. Billingsley bought Howard county; but after unsuccessfully working his territory for a number of weeks, he beat a hasty retreat for his home on the Two-mile Prairie, with the constable after him wanting him to take out a license as a peddler. Mr. Billingsley then tried to get his churn friends to release him from his complicated contract, and offered them twenty-five dollars; but no, they held on to his contract and his note for two hundred and fifty dollars. Mr. Billingsley said he sold two churns and gave away one, and then wrote his mortgage-lifter friends that he had wished a thousand times that he had never seen or heard of the churns. The other gentlemen above named were equally as unfortunate. The holders of the note then sued Billingsley; and this was the case that was tried last Thursday. The crowd was much amused at the testimony of Cornelius Goodding, who said he was a lady's man, and that he bought this patent right, hoping that he could help the ladies of the country; but that he afterwards was satisfied that the churn was worthless. He said that he kept on trying to sell these churns, in hopes that he could find a farmer who was as big a fool as he was, but he could not find one. The jury, after being out nearly a week, failed to agree and was discharged.—"Missouri Statesman", June, 1897.

At the next term of court, the defendant Waters appeared, wearing a new suit of clothes, a pair of red pointed-toed shoes and a green neck tie; so the argument of his attorneys that he was a backwoods farmer did not have the desired effect. Accordingly, the jury gave judgment against the defendant for one-half of the amount sued for.

THE HOUND DOG CASE

Black Foot, which has been the scene of many noted events in Boone county, furnished one of the few dog cases that have here been tried. The plaintiff and defendant were neighbors and both members of the same church; and the plaintiff went fox-hunting on prayermeeting night, taking with him some of the younger members of the congregation. It was said that one of the plaintiff's hounds wandered from the trail of the fox, and got on the trail of defendant's sheep, and that a dead sheep was the result. Be that as it may, defendant shot and killed the hound, and the suit was for the value of that blooded animal. Ev. M. Bass and J. L. Stephens, both old and experienced fox hunters, represented the plaintiff; and Wellington Gordon, who claimed to be equally as well experienced in the value of sheep, represented the defendant. Dr. B. A. Watson, Jas. S. Duncan and other foxhound men swore to the value of the hound, and the improbability of a hound killing sheep; and it is said that they did some swearing outside of court. After poetic and scriptural quotations (and misquotations), and pathetic appeals in behalf of the dead sheep and in behalf of the dead dog, the jury wrestled with the case until away into the night. Although not an attendant upon prayermeeting himself, Mr. Gordon argued to the jury that a church member who would leave such an interesting service and go with young men on such a disreputable errand as fox-hunting, deserved to have his old hound killed. But Mr. Stephens insisted that his client was not the only man who had been derelict in the matter of church attendance. He further said that an English fox hound was a very valuable animal to Virginia gentlemen, and to Kentucky gentlemen, and surely of no less value to Missouri gentlemen. The jury to some extent agreed with him, and gave the plaintiff ten dollars damages.

COLUMBIA'S CASES

The city of Columbia has been a party to some noted and leading cases. *Russell vs Columbia* (74 Mo. 480) was one of the first cases to hold that a municipality was liable to one injured while walking on a public street at night. The plaintiff, a daughter of Col. F. T.

Russell, returning home from church, fell into a ditch left open by the Columbia Gas Company, which was then laying pipes in different parts of the town, but the court held that the town must answer for the neglect of the gas company.

Boulton vs Columbia (71 Mo. App. 519) was similar in many respects to the Russell case, only the plaintiff, a young woman, suffered a sprained ankle while walking on a defective sidewalk at night. The sidewalk was on Elm street, just south of the Y. M. C. A. Building. The judgment in this case not being paid, the city officials were mandamused, and payment of the judgment was compelled (see State ex rel. Boulton vs Norvell, 80 Mo. App. 180).

State ex rel. Robinson vs Columbia et al. was perhaps the most noted case Columbia was interested in. J. DeW. Robinson, prosecuting attorney, instituted this suit to enjoin Columbia and its municipal officers from issuing bonds and erecting and maintaining a waterworks and electric light plant. The supreme court made the injunction perpetual, as did the circuit court (see 111 Mo. 365). No case in recent years caused as much bitterness as did the argument of this case in the circuit and supreme courts. Judge Alexander Martin, C. B. Sebastian, Lewis M. Switzler and Jas. A. Yantis were the attorneys for Columbia; and Gen. Odon Guitar, Col. S. Turner, H. B. Babb, Wellington Gordon and J. DeW. Robinson represented the relator. Numerous newspaper interviews were had by the respective attorneys, and personalities were indulged in. In the petition, Judge Martin was referred to as an "astute legal Alex". And the attorneys for Columbia charged that the prosecuting attorney had been hired to bring this suit by the Columbia Gas Company. Of course, this was vehemently denied by Mr. Robinson; and, in addition, he had some things to say regarding the integrity of his accusers. When the attorneys went to Jefferson City to appear before the supreme court, the hotel clerk stated that he was short of rooms, and suggested to Mr. Robinson that he would be compelled to put him in the same room with one of the attorneys for Columbia. Mr. Robinson respectfully declined, saying, "I won't stay in the same room with no grand rascal". During the argument of this case, Mr. Robinson, in referring to Gen. Guitar, said that he admired General Guitar, as a lawyer, but did not admire him politically.

The "Missouri Statesman" of November, 1896, gives the following account of one of the city's injunction suits:

The city council has lately commenced improving the streets in the third ward by making cuts and fills; the streets affected most by these grades are Seventh, Ninth, Tenth, Locust and Cherry; and on



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this hangs a tale. Mrs. Margaret E. Watson is the owner of a lot on Ninth street and also a lot on Tenth street; and the sides of both lots are just north of Locust street. When it was learned last Friday that a contract had been let to James H. Guitar for grading these streets, and after Mr. Guitar had commenced work with his plows and scrapers, Mrs. Watson brought suit in the circuit court for the purpose of enjoining the city of Columbia, its officers, agents, employees and contractors from cutting down the ground immediately in front of and on the sides of her premises. The petition is a long legal document, and states her grievances in full, among which she alleges that the city of Columbia is insolvent, that the damage she is about to receive is a permanent one, an irreparable one, and one for which she would have no adequate remedy at law. She therefore prayed that the city be forever enjoined from making the cut on the west and south of her yard. As work had already begun on these streets, an application was made on Monday morning before Judge Jno. A. Hockaday, in vacation, for a temporary injunction till the February term, 1897. Both parties were represented in Fulton, the plaintiff by Ed. M. Watson and Judge Alexander Martin, and the defendant by N. T. Gentry and City Attorney J. Sam Banks. One amusing part of the proceedings was the preparations made by both sides, in the event that Judge Hockaday should sustain the application and grant the writ, which everyone seemed to expect him to do. Mr. Guitar with twenty-six teams began plowing by moonlight on Ninth street at four o'clock Monday morning, while the application could not be made till ten o'clock of that day. Mr. Gentry and Mr. Banks arose before it was yet light and drove at a furious rate down to Fulton, resolved to resist if possible, or at least to delay the granting of the application. But the most careful preparations were made by Mr. Watson. He arranged for a relay of horses on his return trip. Knowing that the city and the contractors would work as fast as possible before he could return, he intended to make his homeward trip with all speed known to modern travelers. At proper intervals along the Fulton road, a horse was stationed ready to bring the young attorney with the extraordinary process of the court with the speed and rapidity of Paul Revere, on his midnight ride. After hearing the arguments pro and con, Judge Hockaday decided that he could not issue even a temporary writ of injunction. This was a test case, and a number of others will likely be governed by the one, but damage suits will follow very soon.

Mrs. Watson and Mrs. Ann Douglass did bring suits against the City of Columbia for damages, on account of such grading, and both were awarded damages. The Watson case was appealed to the court

of appeals, and reversed and remanded; and afterwards compromised (see *Watson vs Columbia*, 77 Mo. App. 267). At the trial of that case, it developed in evidence that about six o'clock on that Monday morning, Mrs. Watson saw the contractor, Mr. Guitar, and asked him what time he commenced work on the street. Mr. Guitar told her that he did not know, because his baby broke his watch crystal. Mrs. Watson said, "Ah, Mr. Guitar, I fear you broke the Sabbath".

Rev. G. A. Hoffman, Mrs. Gillie S. Rives and Mrs. Jane H. Riggins also sued the city, as a result of that grading (see *Rives vs Columbia*, 80 Mo. App. 173, and *Hoffman vs Columbia*, 76 Mo. App. 553).

After damage suits of this character were started, Geo. R. Jacobs brought suit against the city of Columbia, and F. W. Peck, Jas. H. Guitar and Dr. B. A. Watson, for making a fill in front of his property on Hitt street, some three years before. The circuit court held the city was not liable, but that the three members of the street committee, above named, were liable; and this judgment was affirmed by the supreme court, one of the first instances where damages were obtained against city officials for work that was done at the city's expense, but not officially done (see *Reid vs Peck*, 163 Mo. 333). It was during the trial of one of these cases that Col. Turner placed Walter Williams, then editor of the "Columbia Herald", on the stand and asked him about the value of Columbia real estate. Mr. Williams claimed not to be posted on real estate values; when Col. Turner asked, "Don't you publish in your paper every week a list of the sales of real estate in Columbia, sir?" Mr. Williams admitted that he did, but he said, "It is published for the benefit of lawyers and real estate men; so I never read it".

In 1896, the free coinage of silver at the ratio of sixteen to one was the question uppermost in the minds of the people and once it crept into a trial in the police court. The city of Columbia prosecuted one Lindsey Johnson, colored, on a charge of playing at a game of chance commonly called craps. Seven witnesses of the same color of the defendant testified that he did play and that they took part in the game with him. Each one of the seven admitted that he was indulging in that sport, and was then paying the penalty therefor, and a hung jury resulted. The city by the next time the case was tried, had four additional witnesses making eleven, seven and eleven being considered important numbers in such a case. In talking with his attorney before the second trial, Johnson said that he was in favor of free silver and his attorney insisted on him telling that fact on the witness stand. At the second trial Johnson stated that the city's

witnesses were prejudiced against him and gave the reason therefor that he (Johnson) was the only free silver negro in Columbia. When the jury retired, a foreman was elected, and he promptly put the question, "All who are in favor of clearing this free silver negro stand up." The jurors were unanimous, and in less time than it takes to tell it, the sixteen to one man was discharged.

SALOON CASES

Like slavery, saloons have furnished much litigation in Boone county. By section 4, page 128, of Session Acts of Missouri, 1891, an applicant for a dramshop license was required to be a male taxpaying citizen over twenty-one and of good moral character; and the county court had to enter of record its findings on those subjects. In 1897, Dr. Robert S. Martin, who was a party to many law suits in Boone county, remonstrated against the granting of a license to Mike Swillum, an Ashland saloon keeper. After the county court decided against Dr. Martin and granted the license, Dr. Martin applied for and obtained a writ of certiorari from the circuit court; the record of the county court was examined, held insufficient and quashed because the record failed to state that the county court found that the applicant for license was a male citizen. It is said that Dr. Martin enjoyed this victory more than all his other legal contests.

In 1905, H. H. Tandy and others attempted to have the dramshop license of a Columbia saloon keeper quashed because one of the judges of the county court, at the time the license was granted, was related to the applicant. But as the writ of certiorari goes only to the record, and as the record did not disclose any relationship, the opponents of the license failed.

In 1883 and 1884, Jas. F. Grossman, a Rocheport saloon keeper, sold his saloon to Head & Denham, and allowed them to run under his name, in order to avoid taking out a new license. Not long after, Head & Denham failed, and the courts held Grossman responsible for all their liquor purchases.

In 1900, a Woodlandville farmer named Nowell brought suit on the bond of a Columbia dramshop keeper, named Victor, for selling liquor to the minor son of Nowell, without the parent's consent in writing. The jury awarded plaintiff the statutory penalty of fifty dollars on each of three counts. The two attorneys for the defendant insisted that the plaintiff was trying to extort money from the defendant, and that plaintiff's attorney was expecting to be paid out of that fund. In reply, the plaintiff's attorney admitted that he expected to

be paid, and he said, "defendant's attorneys will also be paid for their services—paid in either money or merchandise".

A Harrisburg saloon keeper, who did not know that he could not recover for a bar bill, brought suit against a young man on such an account in the justice of the peace court. Of course, he lost his case; but the evidence disclosed the fact that the young man was under twenty-one. Then Prosecuting Attorney C. H. Gordon filed informations against the saloon keeper for selling liquor to a minor, without permission of his parent, and convicted him.

And a Centralia saloon keeper had his license revoked, upon petition by certain citizens, because of his failure to keep an orderly house. It was alleged and shown that one or more persons had been killed in the saloon, that gambling was there permitted and a piano played therein; and the court held that this was sufficient proof.

LIQUOR LAW CASES

In 1883, the "Three-mile Law", which was passed March 25, 1875, and prohibited the sale of liquor within three miles of the State University, was declared unconstitutional by the circuit court. An effort was made to have the case reviewed by the supreme court on writ of prohibition (*State ex rel. Morse vs Burckhardt*, 87 Mo. 533), but the court refused to do so.

In 1907, the general assembly passed an act, popularly called the "Pemberton Five-mile Law", which was written and championed by Representative M. H. Pemberton of Boone county, and which prohibited the granting of saloon license within five miles of a state educational institution then having an enrollment of fifteen hundred students. In a short time, suit was brought to test the constitutionality of this law by Karl Kehr, who desired a saloon license in Columbia. The county court refused to grant him a license; and an application was made to the circuit court, Hon. Wm. N. Evans acting as special judge, for a writ of mandamus, compelling the county court to grant the license. The circuit court refused as it was of the opinion that the five-mile statute was constitutional; but on appeal to the supreme court, the law was held to be unconstitutional. E. W. Hinton and W. H. Rothwell represented the applicant for the saloon license; and F. G. Harris, Don C. Carter and M. H. Pemberton represented the county court and those opposing the granting of the license (see *State ex rel. Kehr vs Turner*, 210 Mo. 77).

The case of *Karl Kehr vs City of Columbia et al.*, 136 Mo. App. 322, was a suit to contest the legality of the local option law in Co-



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lumbia. The circuit court, Judge A. D. Burnes sitting, held that there was no law authorizing such a contest; and his opinion was affirmed by the court of appeals.

The case of *State ex rel. Ousley vs Turner*, 141 Mo. App. 323, was a suit to contest the legality of the local option election in Boone county, outside of Columbia. The point raised was that the notice was published in a Columbia newspaper instead of in a newspaper outside of Columbia. But the circuit court, Hon. R. S. Ryors, special judge, decided that the county court was right in refusing a dramshop license; and this decision was affirmed by the court of appeals. Messrs. Clark, Bruton and Rothwell represented the applicants for saloon license, and Messrs. Harris, Searcy, Murry, Walker and Sebastian represented those opposed.

McCARTER vs BOONE COUNTY

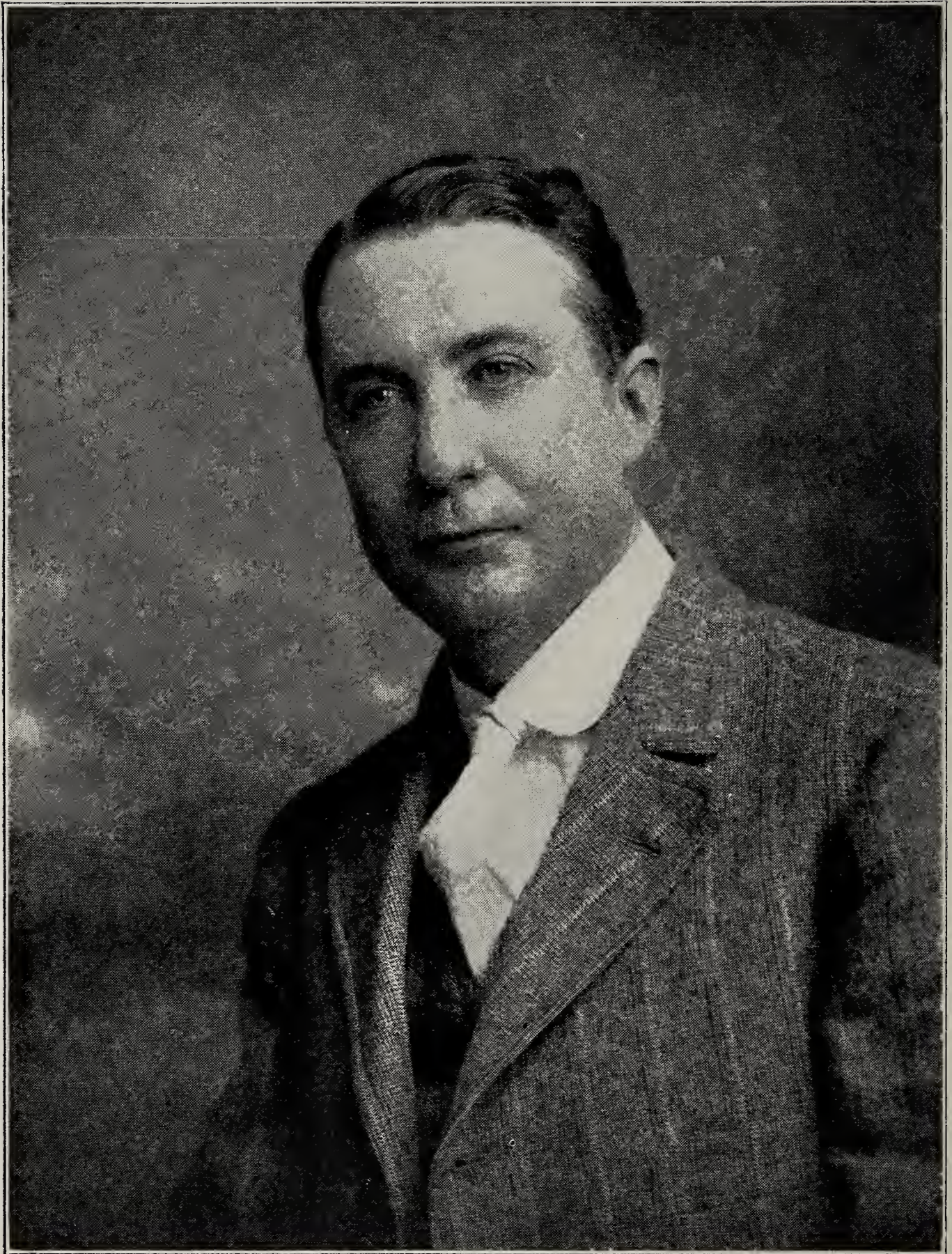
One of the few cases that Boone county has had was a suit by J. A. McCarter, the contractor of the court house of 1909, for \$13,000, the balance which he claimed was due him for extra work on the court house. The suit was brought in the United States district court at Jefferson City, and the court appointed Judge Jas. B. Gantt referee. Judge Gantt had just then retired from the supreme bench of the state, after twenty years' service. He came to Columbia, heard the evidence and found in favor of Boone county; and his findings were sustained by the United States court. E. C. Anderson, E. W. Hinton and W. M. Williams represented the county, and the contractor was represented by Scott J. Miller, of Chillicothe.

As Mr. Miller often appeared in the courts of Boone county, and was a student at the University for a number of years, the following incident in his professional life may not be inappropriate. An Indian was indicted in the United States court for cutting timber on government land, and brought before Judge Jno. F. Philips. When the district attorney started to read the indictment to him, Judge Philips asked if the Indian could understand the English language; and when told that the Indian could not, the judge stopped proceedings, saying, "I don't propose to have any farce enacted in my court; I will continue the case and discharge the prisoner till the next term." When the next term arrived, the Indian was there, but the district attorney had been unable to procure an interpreter; so the case was again continued. At the succeeding term, the Indian again appeared and the district attorney again admitted his inability to procure an interpreter; so the case was dismissed and the Indian told to go. He bowed and left the court room. Mr. Miller witnessed the success of

the Indian, and was pleased to see a man released in the Federal court in such an easy manner. The next case on the docket was a prosecution of Mr. Miller's client for a similar offense, and of course he entered a plea of not guilty. Mr. Miller cross-examined the witnesses vigorously, argued points of law and evidence and made an earnest and eloquent appeal for his "poor, unjustly accused, fellow man". But in a few minutes, the jury returned with a verdict of guilty, and the court inflicted a sentence accordingly. Mr. Miller did not know what to do; so he walked out in the corridor of the court house and sought relief in the smoke of a good Havana. He met the Indian, and, holding out his hand, said, "How are you, boss?" The Indian looked straight at him and said, "White man, he talk too much."

THE CIGARETTE CASE

In 1915, the city officials of Columbia passed an ordinance prohibiting the sale of cigarettes, which caused a stir among dealers, smokers and anti-smokers of cigarettes. The Missouri Store Company and other Columbia merchants brought an injunction suit to test the legality of the ordinance, claiming it was unconstitutional and not authorized by statute. Judge Samuel Davis, who tried the case, decided that the ordinance was unconstitutional, although he said that he was personally opposed to the use of such articles. Messrs. Starrett and Finley represented the city; and Boyle G. Clark represented the merchants.



JAMES E. BOGGS

CHAPTER IX

NOTED CASES, CONTINUED

State vs Maxey. In 1825, Walter Maxey, who was described in the indictment as "a labourer", was indicted for stealing a heifer, the property of some unknown person. The defendant and witnesses lived near Nashville, a few miles below Providence. At the June term, 1826, the defendant was convicted by a jury and sentenced to pay a fine of twelve dollars, to have thirty-nine lashes on his bare back, and to stand thirty minutes in the public pillory. The defendant filed a motion for a new trial, alleging that the punishment assessed was severe and unusual, but the court overruled his motion, and the sheriff was sworn to execute the sentence. Warren A. Smith, now of Columbia, says that he has often heard his father, Capt. William Smith, talk of the trial and punishment of Maxey, and that he and Ira P. Nash witnessed the whipping. Mr. Smith says that a hickory tree was used as a whipping post and pillory; and that this tree stood in Smithton, afterwards known as Garth's pasture, and now known as the Edward Farley ground, between Third Street and Garth Avenue. Mr. Robert H. Smith, who is still an honored citizen of Columbia, says that he was then a small boy, but he heard of the whipping of Maxey, and that James Barnes, a Baptist minister, was the sheriff who administered it. He says that the sheriff stripped Maxey to the waist and tied him to a hickory tree and gave him five lashes; then the sheriff walked away ten steps, returned and gave him five more lashes, and so on till the thirty-nine lashes were given. Maxey was then left standing and tied to the tree for thirty minutes.

It is said that it was several years before any other heifer was stolen in Boone county.

State vs Hinkson et al. As stated elsewhere, Robert Hinkson was the man for whom Hinkson Creek was named. He lived in Columbia township. In 1825, a judgment was rendered by a Columbia justice of the peace against Hinkson for \$14.50 debt and \$1.06¼ court costs; and an execution was delivered to Peter Kerney constable. This writ commanded the constable "to levy the said debts of the goods and chattels of him the said Robert Hinkson, a laborer, and for want of sufficient distress, to take the body of the said Robert Hinkson and convey him to the common jail of said county". In attempting to take the defendant to the county jail, a difficulty arose, and Robert

Hinkson, Polly Hinkson, his wife, and Jas. H. Hinkson were indicted for resisting an officer with process. The defendants afterwards moved to Washington county, and Robert Hinkson died, and the case against Polly Hinkson was dismissed. Jas. H. Hinkson failed to appear at the February term of court and his bond was forfeited. On proof that his failure was due to the fact that the Missouri river was filled with floating ice and the ferry had stopped running, the forfeiture was set aside. Jas. H. Hinkson was then tried, but the jury failed to agree. At the June term, 1829, Hinkson made affidavit that "he fears he will not receive a fair and impartial trial on account of prejudice of the judge". A change of venue was awarded to Callaway county, where the case was dismissed.

The Mill Dam Cases. At the June term, 1832, in book "B", at page 56, of the circuit court records, there appears the following, which explains itself:

The sheriff this day returned into court his report of the jury empanelled by him to find and determine upon the writ of *ad quod damnum* of Edward Keith, sued out by him at the last term on his petition to build a dam and mill on Perche creek, which report is in these words, to-wit: "Pursuant to a writ of *ad quo damnum* issued from the office of the Boon circuit clerk, directed to the sheriff of Boon county, commanding him to summon and empanell twelve fit and lawful men to meet on the land of Edward Keith, being the southwest quarter of section 20, township 48, range 13, on a creek called Perche, on the 15th day of February, 1832, we the undersigned having met accordingly on the lands aforesaid, after being first sworn as the law directs and receiving our charge from the sheriff, proceeded to view the lands the property of others above and below the place where the dam prayed for is to be built, and we also proceeded to level the water, and do find that a dam nine feet high will not overflow the mansion house of any such proprietor or the houses, curtelages, gardens or orchards thereto belonging; and we further do find that the fish of passage of ordinary navigation will not be obstructed, neither will the health of the neighborhood be annoyed by the stagnation of the water in consequence of the dam. Given under our hands and seals" (signed by twelve jurors).

Similar suits were instituted by Zadok Riggs, who wanted to construct a mill dam across Silver's Fork in section 12, township 50, range 14, and by David Gordon, who wanted to construct a mill dam across Hinkson Creek in section 8, township 48, range 12.

The Boat Case. In 1840, Jas. S. Lowry was constable of Missouri township, and an execution was given him against one Burch.

On that day, the constable had pointed out to him a boat that Burch claimed. The boat was loaded with corn and tied up to the river bank at Pettus' Landing. Stephen D. Pettus at once appeared and claimed the property thus levied on, and the constable went to summon a jury to try the property rights, leaving four men to guard the boat and corn. When he returned, the boat, corn and guard had gone, and neither the boat nor corn could ever be found thereafter. It further developed that five armed men cut the boat's cable and expelled the guard. A suit on the constable's bond resulted, and the circuit court decided in his favor, but the supreme court reversed the case, and said that he must hold property once levied on, and if necessary summon a *posse comitatus* (see 8 Mo. 41). Jas. S. Lowry was the grandfather of Mrs. L. T. Searcy.

State vs Casey & Stone. In 1845, the grand jury of Howard county indicted John Casey, Frederick Stone and John Neff for forcible seizing and confining one Martin Light, with intent to cause said Light to be taken out of the state of Missouri against his will and without lawful authority. Neff was tried in Howard county and convicted, so Casey and Stone took a change of venue to Boone. The case attracted considerable attention in Howard, Boone and St. Louis counties, also in Lancaster county, Pennsylvania, where Martin Light was charged with obtaining money and grain from three men under false pretenses. Light fled the country and concealed himself in Howard county, Missouri. A heavy reward was offered for his arrest, and Governor Porter of Pennsylvania, requested Sheriff Priddy, of St. Louis, to obtain proper papers from Governor Marmaduke, of Missouri. The requisition was honored and Light was ordered turned over to Sheriff Priddy, as soon as he could be found. After making several trips up the Missouri River and failing to find Light, the sheriff of St. Louis began corresponding with Casey, and agreed to give Casey one-third of the reward if he would arrest Light. Accordingly, Casey, Neff and Stone took possession of Light one dark night, and held him in their custody for several days until they could get word to Sheriff Priddy. Hence this prosecution. James M. Gordon, Circuit Attorney, represented the state, and Abiel Leonard and Wm. A. Robards represented the defendants. Both defendants were promptly acquitted.

State vs McClintock. John McClintock was prosecuted for shooting and killing one Henry Penegar, at the town of Nashville, in 1845. As far as known, this was the only homicide that occurred in Nashville. This case was unusual in another respect. On March 26, 1846, McClintock was tried and convicted of manslaughter, and sentenced

to three years in the penitentiary. He did not file a motion for a new trial, but on April 2, 1846, Governor Edwards granted him an unconditional pardon. This pardon was filed with the papers in the circuit clerk's office; and the defendant was discharged, never having gone to the penitentiary.

Another interesting paper in this case is the account of Thomas Selby, a Columbia tavern-keeper; it was for "boarding, lodging and fires for twelve men, the jury in the case of State vs John McClintock, for four days, and keeping eleven horses belonging to said jury".

Road Overseers Cases. The good roads movement struck the country about 1852, and a novel method was resorted to to have the roads improved. A great many of the road overseers were indicted for failure to have their respective roads worked, for allowing stumps to remain in them, brush to grow up, and large stones to accumulate. Among those who were thus indicted were James S. Rollins, who was overseer of the road that passed his own place, now the Columbia and Providence road, also Pleasant H. Robnett, an extensive farmer on the Cedar Creek gravel road, Wm. Y. Hitt, for whom Hitt street was named, Allen White, William Cave, Joel Parmer, Jas. P. Angell, James Hicks and other prominent citizens. Not only did the grand juries of Boone county get after the road overseers, but the same methods were pursued by the grand juries of Howard, Saline and Lafayette counties. After numerous indictments were returned against the road overseers, and much publicity given the matter, the circuit attorney entered a *nolle* as to them all.

In March, 1848, Wm. W. Hudson, then professor of mathematics and astronomy, and afterwards president of the Missouri University, lived where the dean of the agricultural college now lives, and was road overseer of the Columbia and Jefferson City road. He was indicted for failure to work what is now the Columbia and Ashland gravel road, plead guilty and was fined ten dollars.

Toll Cases. Many of the early mills of the county were horse mills, and the law required the miller to grind the grain for one-eighth part, when the team was furnished by the owner (see R. S. Mo. 1845, sec. 5, page 742). In February, 1855, John Onan, who lived northwest of Columbia, was indicted for grinding grain and taking for toll more than one-eighth part, when the owner furnished the team. He was tried, convicted and fined five dollars.

In 1903, I. N. Boring was tollgate keeper for the Columbia and Cedar Creek Gravel Road Company, and he was fined for collecting toll when the turnpike was not up to the condition required by statute (see R. S. Mo. 1899, secs. 1234-5). In 1883, Sherwood Harris, who



W. H. ROTHWELL

was tollgate keeper for the Columbia and Rocheport Gravel Road Company, was fined for a similar offense. And in 1914, Orvil Harrelson was fined for passing through the tollgate of the Columbia and Blackfoot gravel road, without paying the legal rate of toll.

Some years ago, a young man named Toalson tried to ford Rocky Fork Creek, there being no bridge, and he and his horse came near being drowned. Accordingly, he instituted a prosecution against the tollgate keeper of the Blackfoot gravel road, for collecting toll when the road was not in good condition. It was held that the gatekeeper was guilty, and a small fine was imposed.

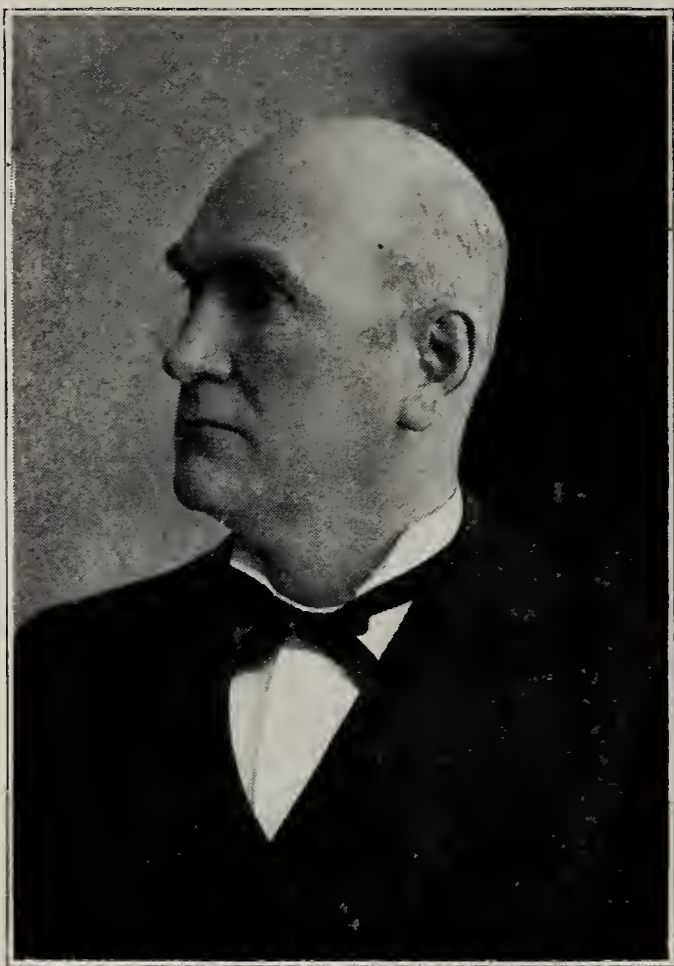
Railroad and Turnpike Bonds. On February 8, 1866, David H. Hickman and James L. Stephens presented a petition to the Boone county court, which was the longest petition ever filed in any proceeding in this county. It contained a double column of signatures and the petition, when spread out on the floor, extended across the court house from east to west. Every lawyer in the county had signed the petition. It was a petition, asking the county court to appropriate money with which to build a railroad from Columbia to Centralia, and also to appropriate money with which to construct a gravel road from Columbia to Claysville by way of Ashland, another gravel road from Columbia to Rocheport, and a third gravel road from Columbia east to the Callaway county line. A crowd of anxious citizens had assembled in the court room, and for once in the history of this county, proceedings in court were greeted with applause. The court, composed of Judges James W. Daly, David Gordon and John Berkebile, on that day decided to appropriate two hundred thousand dollars to be used in paying for the Columbia branch to connect with the North Missouri Railroad (now the Wabash), and also decided to appropriate one hundred and fifty thousand dollars to be used in paying for the three gravel roads above mentioned. Bonds of this county were then issued for those sums. See County Court Record, Book "P", pages 513, 514 and 515.

On May 20, 1871, another meeting was held in the county court room, and another petition presented to the Boone county court, asking it to appropriate eight thousand dollars to aid in the construction of the Columbia and Blackfoot gravel road. The court, composed of Judges James Arnold, David Gordon and James Harris, made the order (see County Court Record Book "S", page 188); and that road also stands as a monument to the wisdom and foresight of our fathers and our grandfathers.

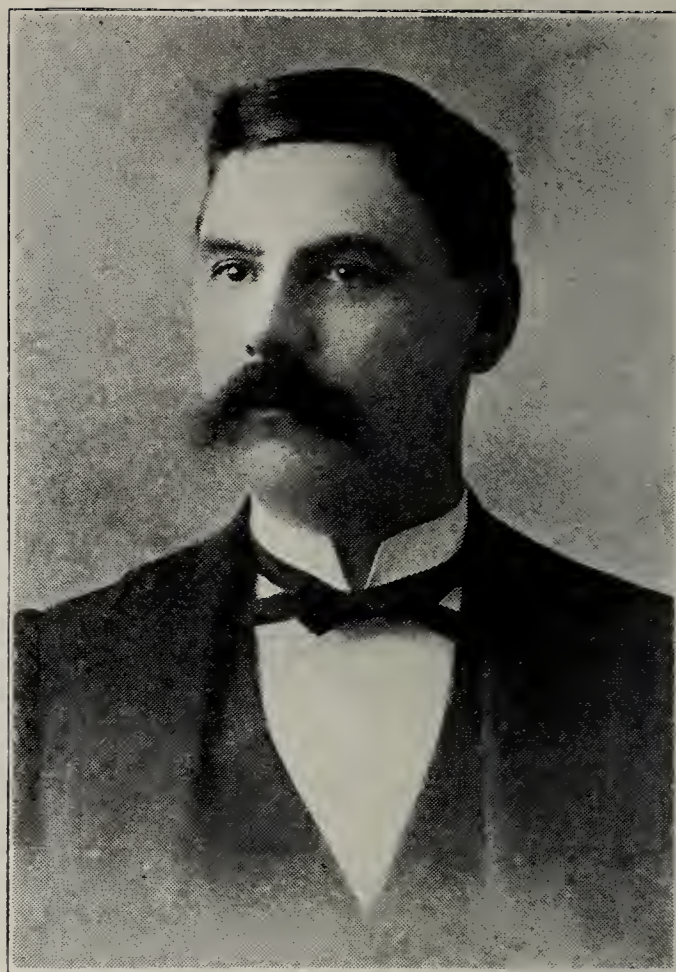
Rocky Fork & Perche Bond Cases. In 1869, the Louisiana & Missouri River Railroad was projected through Boone, Howard and Sa-

line counties, its line extending through Rocky Fork and Perche townships. The county court ordered an election in those townships, and bonds to the amount of twenty-five thousand dollars were voted by each township, and the bonds given to the railroad company. The grade was completed and bridges were constructed, but the project was abandoned, owing, it is said, to the failure of some parties in Saline county to comply with certain terms just as the railroad bonds were ready to be sold. Mr. R. B. Price is the authority for the statement that the death of David H. Hickman, of Columbia, the financial head of the enterprise, had much to do with the failure to complete the road. Then the holders of the township bonds brought suit in the United States court at Jefferson City. The defense was that the bonds were voted at an election held at a time when the great majority of the citizens of Boone county were disfranchised, as a result of the bitterness of the Civil War. But the bondholders proved that, at said election, there were two ballot boxes at each precinct, and the legally qualified voters had their ballots deposited in one box, and those citizens of the county who were not legally qualified had their votes placed in the other box; and that more than three-fourths majority in each box favored the issuance of the bonds. Accordingly, Judge Arnold Krekel decided in favor of the bondholders. Afterwards in 1880, pending the appeal, a compromise was effected, and the taxpayers of those townships paid sixty-six per cent of the indebtedness. Senator Jno. B. Henderson and Gen. Odon Guitar were attorneys for the bondholders; and Henry A. Cunningham and Jno. H. Overall represented the taxpayers.

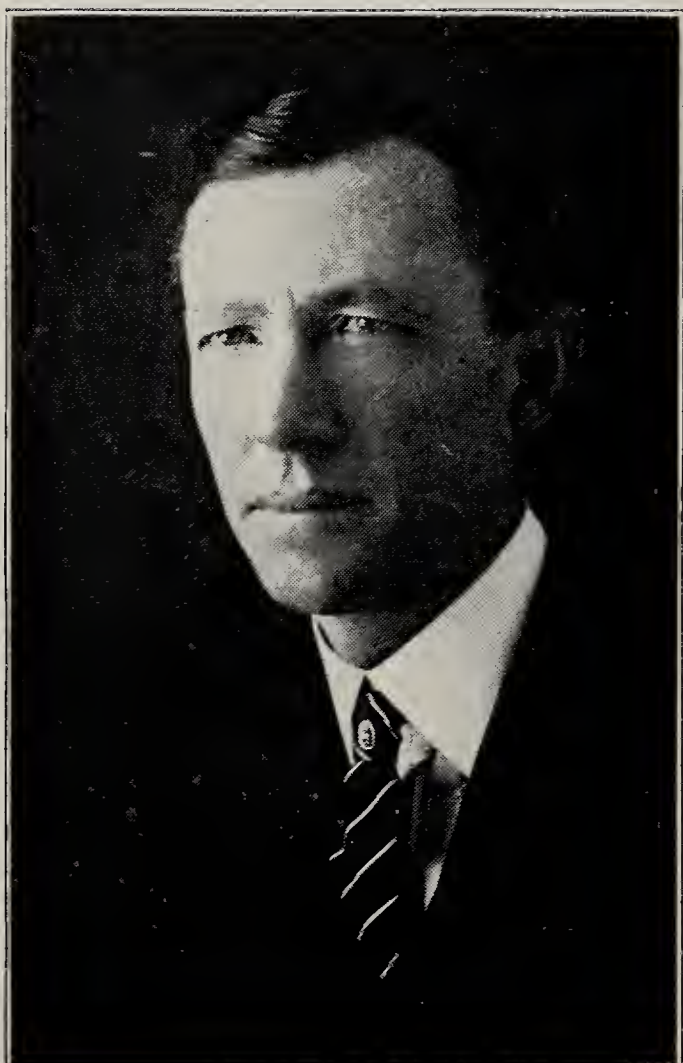
They Could Run. During the early seventies, a one-legged man was arrested in Columbia, charged with passing a forged check to a farmer residing on Hinkson Creek. In order to accommodate the large number of people who wanted to see such a man tried, Justices Jas. R. Shields and T. B. Gentry, before whom the preliminary examination was held, conducted said examination in the old court house. When the defendant was brought from jail to the court room, every one looked at the poor fellow as he walked on two crutches, and many were the words of sympathy expressed for him. In the midst of the taking of the testimony, the defendant arose and walked out of the court room, saying he would return in a moment, and, thinking that he would not try to run, the justices consented and the constable did not follow him. After waiting awhile, Mr. Wellington Gordon, then county prosecutor, said to the officers, "You better look after that prisoner; for during the war, I saw a one-legged man run like the devil". To the surprise to everyone, the one-legged man did not return,



EV M. BASS



C. B. SEBASTIAN



T. T. SIMMONS



JOS. H. CUPP

and he never has returned. His attorney, Capt. H. C. Pierce, whose fee was not paid, was as much surprised at his client's running stunts as anyone.

Col. F. T. Russell was appointed by the circuit court to defend a one-armed man, and he went with him to the jury room in the old court house, which was used as a consultation room. As soon as the door was shut, the defendant jumped out the second story window, reached the ground in safety and made his escape. Col. Russell jokingly expressed it, "The man must have lit straddle of a horse, for in a moment he was galloping north past Christian College".

J. L. Stephens, while representing the state, visited Rocheport on official business, a one-eyed negro having been arrested in that locality on the charge of grand larceny. W. E. Nicklin had been retained by the defendant, and he was given permission to retire to the vacant lot just outside of the J. P. office for consultation. But it was evident that the defendant had another purpose, for as soon as he got a whiff of the bracing air from Moniteau Creek, he crossed that stream with so much rapidity that the calls to him from his attorney and the pistol shots from the constable failed to stop him. Mr. Stephens did not receive any fee for what might be termed that "quasi judicial proceeding", and Mr. Nicklin was just beginning to talk business when his client, as Nicklin expressed it, "took a change of venue to Howard county".

The Sharp Case. Lewis Sharp was a well-known farmer and live stock man, who resided in Boone county for a number of years, but he was the father of a disorderly son, George Sharp. Perhaps George was not so much to blame, for the Civil War had just closed, and there was so much turmoil during that strife that many well-meaning people became disorderly. But George kept up his disturbances after the war closed, and he was so noisy and abusive in his manner that his father filed complaint before a justice of the peace of Columbia township, alleging that George Sharp was a dangerous individual, and that the father's life had been threatened, and asking that George be required to give bond to keep the peace. A trial was had, and it attracted much attention, because of the relationship of the parties. The justice found that George Sharp had threatened the life of his father, that George was a dangerous person and required him to give bond in the sum of one thousand dollars. An effort was made by George to give the bond, but he failed, so rather than see his son go to jail, the father signed the bond himself.

One Physician Kills Another. In 1876, Dr. Benjamin Austine and Dr. Thomas H. Keene, two physicians in Hallsville, became ene-

mies over an anonymous circular letter, and so great were their differences that the former shot and killed the latter. It was claimed that Dr. Keene was the author of this letter, and also that Dr. Keene made divers threats against Dr. Austine. It is a singular circumstance that Dr. Keene was shot and killed in Hallsville at almost the same spot where some seven years before he had shot and killed a man named Peter Evans. General Guitar defended Keene for killing Evans (see *State vs Keene*, 50 Mo. 357), and Keene was finally acquitted; and later General Guitar defended Austine for killing Keene. The justice found that Dr. Austine was justifiable and discharged him; and the grand jury failed to indict him. Col. S. Turner also defended Dr. Austine.

State vs McDearmon. In 1882, the case of *State of Missouri vs Thomas H. B. McDearmon* was transferred to Boone county, on a change of venue from the Cooper circuit court. Mr. McDearmon was Marshal of Boonville, and he was charged with the murder of Amos B. Thornton, who was editor of the "Boonville News", and the killing occurred on Main street in that city. It was claimed that two articles appeared in that paper, reflecting on the character of the defendant. Perhaps no case in recent years had a greater array of legal talent than this case. The state was represented by John R. Walker, of Cooper, and J. DeW. Robinson, of Boone; and the defendant was represented by Shannon C. Douglass and Col. S. Turner, of Boone, Sam C. Major, of Howard, J. H. Johnson, John Cosgrove and Draffin & Williams, of Cooper, L. L. Bridges, of Pettis, J. G. McDearmon, of St. Charles, and Nat C. Dryden, of Lincoln county. The prosecuting attorney and two of defendant's attorneys were witnesses to the shooting, also Lon V. Stephens, afterwards governor, and J. F. Gmelich, afterwards lieutenant governor. It was during the argument of Judge S. C. Douglass in this case, that he asked the jury to "remember the Golden rule, which we all learned at our mothers' knees, 'do unto others as they do to you'". The defendant was acquitted.

At the trial of this case, Mr. J. DeW. Robinson, not being acquainted with the witnesses nor the locality, and desiring to make no mistake, wrote his speech out in full and read it to the jury. As far as known, this was the first and only instance when a lawyer read his speech in Boone county.

State vs Shroyer. In October, 1876, Michael Shroyer, his wife and two little boys left Indiana in a covered wagon, ostensibly for a farm in Kansas. While near Lick Fork Creek in Bourbon township, it was supposed that Shroyer dealt his wife a blow on the head, which

caused her death. In February following, the skeleton of a woman was found near this creek, under a pile of brush and stumps, and her skull had been crushed in. The names of the parties were not known, but Thos. S. Carter, then editor of the "Sturgeon Leader", began working on the case and ascertained the names and former residence of this mover, and also that the day after he passed through Bourbon township, he had two children with him, but no woman. Shroyer had a cripple hand, and this was a means of his identification, and finally resulted in his arrest. Certain clothing of the dead woman was found under this brush, and preserved for six years, and the same was identified by some witnesses who came on from Indiana. In 1882, Shroyer was found near Joplin, at work on a railroad, under an assumed name, was arrested and brought to Boone county, where he was tried in April, 1883. The evidence against him was circumstantial, but pointed strong towards his guilt, but there was some doubt as to whether he struck the woman deliberately or in the heat of passion. So the jury gave the defendant the benefit of the doubt and found him guilty of murder in the second degree. He took an appeal to the supreme court, but dropped dead in the penitentiary before his case was finally decided. C. B. Sebastian and J. G. Babb represented the state; and the defendant was represented by Col. S. Turner.

The Bible Case. In 1888, one C. J. Chase visited Boone county, representing himself to be a member of the well known book firm of Potter, Chase & Co., of Cincinnati. He claimed to be establishing agencies and represented that the business of selling Bibles, with handsome pictures and maps in them, was not only a profitable business, but a good religious work. He struck J. I. Jennings, W. H. Kincaid and other farmers near Centralia, and told them that they could ride around the country, wear good clothes and make plenty of money by accepting of such an agency. When a man would agree to act as agent, Chase had a note and deed of trust on the man's farm prepared, and the man invariably signed the papers, expecting soon to receive the consignment of Bibles, make a fortune and save the world. Chase then assigned the notes over to innocent purchasers, left Centralia on the midnight train, and Potter, Chase & Co. declined to recognize his contracts. Suit was brought by Jennings against W. C. Todd trustee, and Bush the assignee, and the circuit court set aside the deed of trust, and ordered the note cancelled on the ground of fraud; but the judgment was reversed by the supreme court (see Jennings vs Todd, 118 Mo. 296).

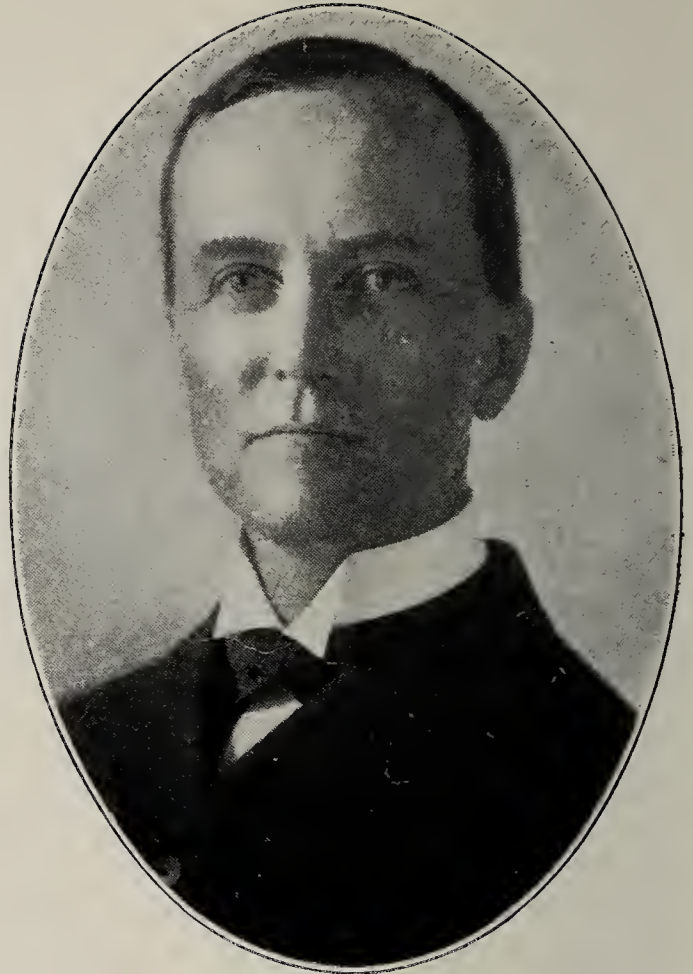
In the meantime, Chase was indicted by the grand jury for obtaining money under false pretenses, and, after the diligent efforts of

Deputy Sheriff R. L. Withers, was located out in Kansas. Chase stayed in the Boone county jail for some time, not being able to give bond. His wife, who seemed to be an excellent woman, moved to Columbia and got numerous women interested in her husband's case. She arranged with Mr. R. L. Todd of Columbia, and with Senator Jas. M. Proctor, of Sturgeon, to sign the four hundred dollar bond for her husband. These gentlemen would not sign the bond unless that sum of money was deposited with them. So Mrs. Chase undertook to raise the money. She visited numerous persons, told of her husband's troubles, told of her little children and of the hard time that she was having, while her husband was suffering in jail. She got four hundred persons to loan her one dollar each, with the understanding that the same would be deposited with the two gentlemen above named, and be used by them to pay to the state, in the event Chase did not appear at the next term of court. If he did appear, as she felt certain he would, the money would be returned. To the surprise of every one, Mrs. Chase raised the money, her husband was released on bond, and then she and her husband left Boone county; but where they went, deponent sayeth not. The bond was forfeited at the next term of court, and four hundred Boone county citizens lost one dollar each.

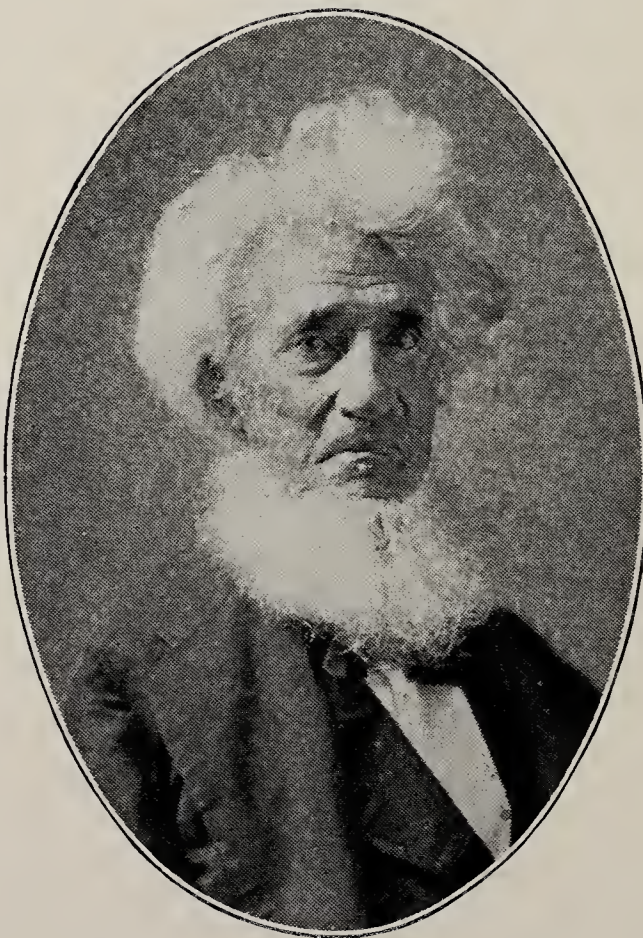
The Hultz Cases. In May, 1888, the people of Columbia and vicinity were shocked to learn of the shooting of Allen Vawter by Marshall J. Hultz. Both men were well to do farmers, residing near each other, on what is now the Columbia and McBaine road, and both men were of high standing in the community. The shooting occurred on the public road in front of the Hultz place. Vawter lived about thirty-six hours and died, having made a dying statement to Jas. C. Gillespy and Dr. W. T. Lenoir. Perhaps the largest crowd that ever assembled in the court house was at the preliminary examination before Justice W. E. Boulton, the court room, hall and stairway being filled with interested and excited spectators. Hultz was charged with murder in the first degree, was tried in the Boone circuit court one year later and convicted of murder in the second degree. For the first time in the history of the county, the state filed an affidavit at the beginning of the trial, alleging prejudice on the part of the sheriff, and the court appointed two elisors to summon a jury. This was one of the errors assigned. Col. S. Turner and I. W. Boulware represented the defendant, and interposed the plea of self-defense. Carey H. Gordon, prosecuting attorney, and Gen. Odon Guitar represented the state. The widow of Vawter brought suit against Hultz for damages on account of the killing of her husband, and this case was taken on a change of venue to Randolph county, where judgment



JAS. W. SCHWABE



JERRY G. BABB



JUDGE ALEXR. PERSINGER

was given her. The principal defense in the civil case was that the defendant had not been convicted of murder in the first degree; but the supreme court held for the first time that a defendant guilty of murder in the second degree was liable in damages to the widow of the deceased (see *Vawter vs Hultz*, 112 Mo. 633). The criminal case was also taken to the supreme court, and the judgment was affirmed, the court holding that the appointment of elisors was a matter discretionary with the trial court (see *State vs Hultz*, 106 Mo. 41). Judge Jno. A. Stewart, then a neighbor of Hultz, was appointed deputy sheriff to go out and arrest him. He did so, visited the defendant's farm, found him on a mule in a wheat field, and told him of the decision of the supreme court. In getting down off of the mule, Mr. Hultz got down on the side opposite from the officer, took out a knife with a long blade and cut his throat, death resulting in a few minutes.

Babb vs University. The first water-closet operated in Boone county was the one constructed at the State University in 1885, and it resulted in lawsuit. This closet was in the basement of the main building, and the sewer from it extended west to Sixth street and emptied on residence property owned by Wm. J. Babb, a Columbia lawyer. It was claimed that the property was greatly damaged, and the jury found for the plaintiff in the sum of nine hundred and fifty-eight dollars; and this judgment was affirmed by the court of appeals (see *Babb vs Curators*, 40 Mo. App. 173). In his argument before the jury and in the higher court, Col S. Turner, who represented the plaintiff, told of the number of students, teachers and employees of the University, and then figured out the quantity of filth that would be "pitched over into Mr. Babb's front yard, and immediately under his front window, in close proximity to his optical and olfactory nerves".

County Judges' Cases. The Judges of the Boone county court, Judges Wm. F. Roberts, Jas. M. Angell and Frank M. Smith, were prosecuted for neglect of official duty, violating section 3423 of R. S. Mo. 1889, in that they failed to ascertain by actual examination and count the amount of the balances and funds in the hands of the county treasurer. A demurrer was sustained by the circuit court at the trial at the June term, 1891, and all three were discharged. J. DeW. Robinson was prosecuting attorney, and enjoyed the distinction of being the only prosecutor of this county to prosecute members of the county court.

At the same term of court, Boone county recovered a judgment against Judge Jas. M. Angell for \$90, and against Judge Wm. F.

Roberts for \$50, for charges made by them for attending adjourned terms of county court. It was claimed that Prosecuting Attorney C. H. Gordon advised the judges of the county court that they were then not entitled to charge for attendance upon adjourned terms, and Judge F. M. Smith followed his advice; but the other two judges sought advice from another lawyer.

A few years later, Judges Ben M. Anderson, Geo. W. Trimble and Jno. A. Stewart, the newly elected judges of the county court, brought suit against Judges Roberts, Angell and Smith on account of the loss of part of the Rollins Aid Fund, and for an accounting. The circuit court decided in favor of the plaintiffs, but the supreme court, by a majority opinion, reversed the judgment (see 147 Mo. 486).

Niedermeyer vs University. F. W. Niedermeyer, afterwards a member of the Boone county bar, was the only University student to bring suit against the curators of the Missouri University. Having entered the junior law class, Mr. Niedermeyer desired to finish his course, but the curators raised the tuition fee. This extra fee of ten dollars, Mr. Niedermeyer paid under protest, and then brought suit to have it refunded to him. The circuit court decided against Mr. Niedermeyer, but the court of appeals held that the State University must act fair towards its patrons, and reversed the case (see *Niedermeyer vs Curators of University*, 61 Mo. App. 654).

Goshen Church Case. In 1894, the Goshen Primitive Baptist church, situated in Cedar township near Wilton, came into prominence, and furnished notoriety in the legal world (see *Sitton vs Sapp*, 62 Mo. App. 197). This was one of the so-called Old Baptist, or Hard Shell Baptist, or Ironsides Baptist churches, some times spoken of in derision as "Whisky Baptists". There were two factions in the church, known as the Glasscock party and the Turner party. Now, probably they would be called "Progressives" and "Stand Patters". The plaintiffs brought suit against the defendants for forcible entry and detainer, and the Kansas City court of appeals decided that they were guilty. Another suit was then brought by the original defendants, a bill in equity, asking to have the title to the church property decreed in the Turner party, as the true church, and the court granted their prayer. Ministers of that denomination were in attendance upon court from Kansas, Illinois, Indiana, Kentucky, and various parts of Missouri, and different ones gave testimony as to the church doctrine, polity, etc. One minister testified that the Turner faction could not possibly be Primitive Baptists, as they believed in Sunday schools, paying a preacher and such things, which true Primitive Baptists could not tolerate. Gen. Odon Guitar, Wm. H. Truitt, Eli Penter and

C. B. Sebastian, who were attorneys in the case, and, none of them members of that church, had trouble trying to solve these ecclesiastical differences.

Was He Insane? In 1894, the store of Brown & Turner at Browns Station was burglarized, then set afire and totally destroyed. One K. H. Lambert, of Centralia, was indicted for this crime, and some of the stolen goods from this store were found in his possession. While in jail awaiting his trial, he showed signs of insanity. A committee of physicians examined him, and they and a number of laymen testified that he had become insane since his arrest, and the physicians thought he was hopelessly insane. Accordingly, Lambert was sent to the State Hospital for Insane at Fulton. He evidently recovered rapidly, for he made his escape from that institution within a few months, and his whereabouts are still unknown.

Hancock vs Blackwell. Shortly after the burning of the University in 1892, the people of Columbia were again startled by the bringing of a slander suit by a lady student of the University against Prof. Jas. S. Blackwell, of the modern language department of the University. It was claimed that he accused her of stealing some money from the home of Prof. Geo. D. Purinton, also of Columbia. The case was suddenly dismissed by plaintiff, without consulting with her attorneys; and then it was brought again, and the further plea was made that the first settlement was a fraud. The case was taken on a change of venue by one side to Montgomery county, then by the other side to Lincoln county. Finally it came back to Boone county. It was tried before two juries, and each jury gave a verdict for the plaintiff. The first judgment was reversed by the supreme court (see *Hancock vs Blackwell*, 139 Mo. 440), but the second judgment was affirmed (see *Courtney vs Blackwell*, 150 Mo. 245). Judge W. M. Williams, of Cooper county, and Gen. Odon Guitar, Carey H. Gordon and Webster Gordon represented the plaintiff, and the defendant was represented by Turner & Hinton, Judge Alexander Martin, C. B. Sebastian, and Norton & Avery, of Lincoln county.

The Spectacle Case. H. Hirshberg Optical Co. vs D. P. Richards was a suit on a contract to furnish the defendant, a jeweler in Columbia, with a quantity of spectacles. The defense was fraud on the part of plaintiff's agent in the representations regarding the glasses, to-wit, that the lenses were automatic and would change as the wearer would grow older, and therefore one pair would last a man a lifetime. A number of witnesses from all parts of the United States attended the trial, and considerable feeling was shown. General Guitar, who represented the defendant, made one of his characteristic, telling and

amusing speeches, and the jury found for the defendant, and this verdict was affirmed by the higher court.

John Carlisle Will Case. In 1894, John Carlisle died, owning considerable property, and some of his relatives brought suit to set aside the will. The parties to the suit resided in Missouri, Arkansas, Kentucky, Illinois, Ohio and California, and witnesses from Boone, Callaway, Saline and St. Louis counties testified. In all, one hundred witnesses testified, and the trial lasted one week, the arguments consuming an entire day. More delays occurred during the trial of this case (June term, 1897) than during any case ever tried in the county. One juror, W. L. Evans, was taken sick, and compelled to leave the court room a number of times; one juror, Richard Sampson, was kicked by a horse during the noon recess, and he was laid up for a while; another juror, Joel W. Carter, had a fainting spell in the midst of the trial, owing to the extreme heat, and that caused another delay; and finally a thunderstorm made it impossible for the witnesses to be heard, and that caused the loss of two or three hours. The jury sustained the will, as did the supreme court (Campbell vs Carlisle, 162 Mo. 634). A companion case to this will case is the case of Reid vs Carroll, 82 Mo. App. 102, in which the same issues were involved, and which was decided the same way.

The Dancing Case. The case of Thomas Crouch vs St. Louis, Keokuk & Northwestern Railroad Company was tried in Boone county, at the June term, 1899, on change of venue from Lincoln county. It was claimed by the plaintiff that he had been thrown down by reason of the rough handling of the train, on which he was riding, and that his knee was hurt. Some physicians testified that plaintiff's injuries were permanent. To the surprise of every one, the railroad company produced three young ladies who testified that they had seen the plaintiff at a dance, since the injury to his leg, and that he danced one set with one of them, two sets with another and three sets with the third. They further testified that, at the aforesaid dance, the defendant got mad, wanted to fight because his girl was not awarded the prize cake, and said that he could whip any man in Lincoln county. Senator O. H. Avery, in arguing in behalf of the plaintiff, said: "Of course my client danced. When there was an opportunity to dance with three such charming young ladies from Lincoln county, he could not resist the temptation". But the jury gave plaintiff judgment for only eighty-five dollars, and both sides were satisfied.

Columbia vs Bright. In 1901, the Haden Opera House was burned, and Wm. A. Bright, executor of Joel H. Haden deceased, in whom the title was vested, erected the present building, known as the



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J. H. Haden Building. It was claimed by the city of Columbia that this new building extended twenty-seven inches out into Ninth street; hence this suit, which was in ejectment. All of Boone county's surveyors, M. G. Quinn, P. S. Quinn, Geo. E. Flood, E. B. Cauthorn, Wm. B. Cauthorn and T. J. Rodhouse, testified. It was claimed that the old Gentry Tavern, which stood on the same ground, also extended into Ninth street, and it was also claimed that there was no established point of beginning for the surveyors. Much of the early history of Columbia was brought out in the trial, and many of the oldest citizens of the city and county testified, including Col. Wm. F. Switzler, Rev. W. T. Maupin, Thos. B. Gentry, R. B. Gordon, Jas. S. Duncan, Col. S. Turner, A. T. Duncan, Judge W. W. Garth, B. F. Venable, R. L. Withers, Maj. F. D. Evans and Daniel O'Mahoney. The jury decided in favor of the defendant, but an appeal to the supreme court resulted in a reversal of the judgment (see *Columbia vs Bright*, 179 Mo. 441), and afterwards a compromise was effected.

State vs Butler. When the law-enforcement movement swept over Missouri, Edward Butler, of St. Louis, was indicted by the grand jury of that city for attempting to bribe Dr. H. N. Chapman, a member of the city board of health, and the case was brought to Boone county, on a change of venue. A trial in November, 1902, attracted the attention of the nation, and indeed of the English speaking world. The state was represented by Circuit Attorney Jos. W. Folk, Judge C. Orrick Bishop and A. C. Maroney, of St. Louis, and Col. S. Turner and Jerry H. Murry, of Columbia. And the defendant was represented by Gov. Chas. P. Johnson, Judge Chester H. Krum and T. J. Rowe, of St. Louis, Judge W. M. Williams, of Boonville, Judge A. H. Waller, of Moberly, and Wellington Gordon and N. T. Gentry, of Columbia. Judge Jno. A. Hockaday presided at the trial, and the jury found Butler guilty, assessing his punishment at three years in the penitentiary. An appeal to the supreme court resulted in the discharge of Butler (see 178 Mo. 272).

Deaf and Dumb Case. Messrs. C. B. Sebastian and Murry & Murry are the only Boone county lawyers who have had an experience with a deed executed by a man who was deaf and dumb. Elias Barnes, who was thus afflicted, executed a deed to one of his relatives, reserving a life estate, etc. It was claimed that as he had never been to school and was of limited mentality, he could not understand such an instrument, and therefore his heirs sought to have it set aside. When C. B. Adkins, the justice who wrote the deed, testified that the grantor could talk in the sign language to some extent, Judge Hockaday asked him some questions, by signs, and received signs for an-

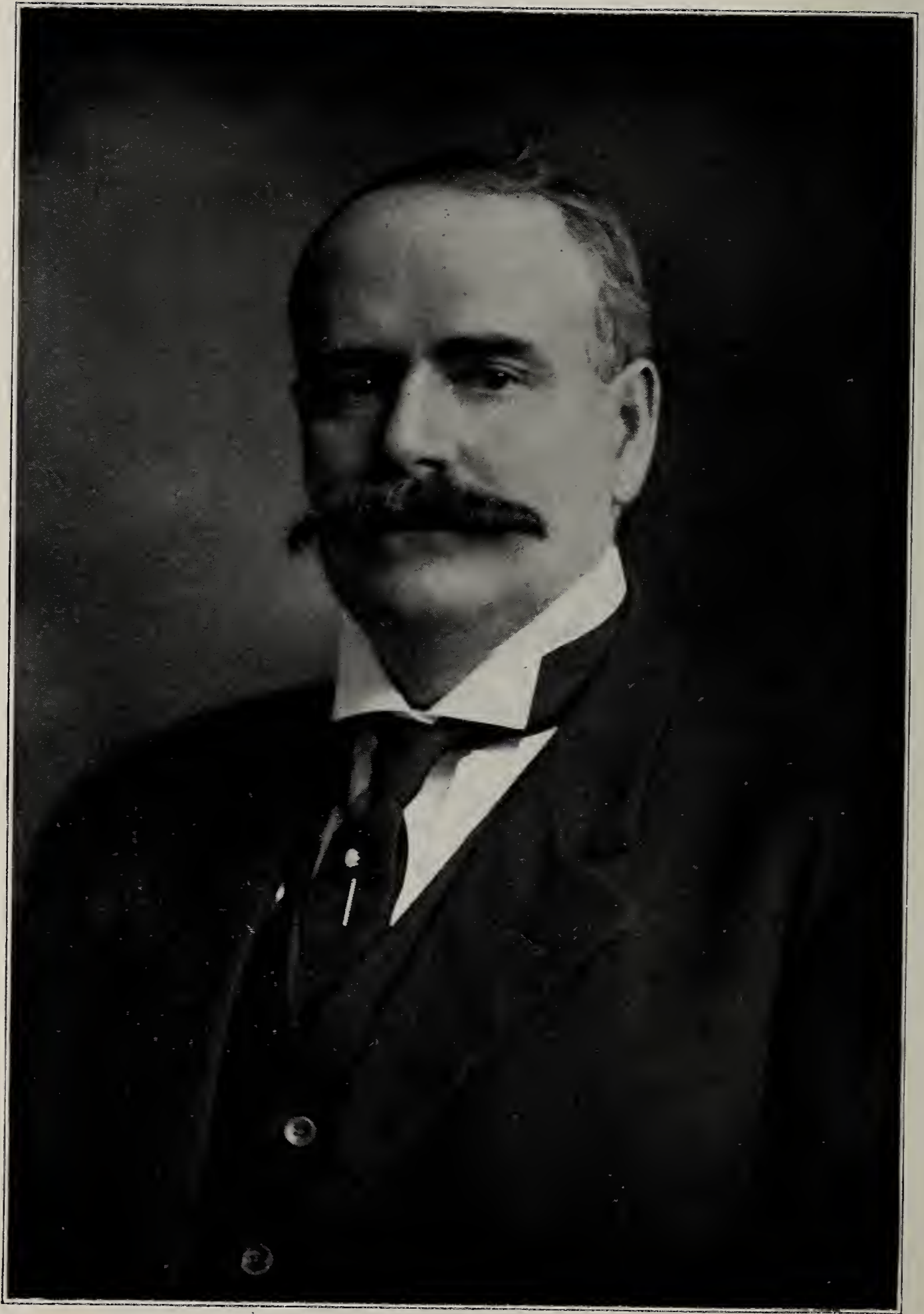
swers. Just how Miss Matthews, the official stenographer, preserved this testimony, and just how much influence it had on the chancellor, is not known, but Judge Hockaday sustained the deed; and so did the supreme court (*Rickey vs Barnes*, 168 Mo. 600).

State vs Quinn. In January, 1902, J. P. Quinn, a mule commission man from Memphis, Tennessee, came to Boone county and obtained eleven thousand five hundred dollars worth of mules from three farmers, and failed to pay for them. It was claimed by the state that the mules were purchased in Boone county and taken to Memphis, where they were sold and shipped to Shreveport, Little Rock and Atlanta. The defendant claimed that the mules were consigned to him on commission, and that G. W. Cox bought them and failed to pay for them, hence the defendant was compelled to make an assignment. Quinn was arrested in Tennessee, brought to Boone county and tried on the charge of obtaining mules under false pretenses from Murry, from Boulware and from Cason. Stock shippers and dealers filled the court room at every trial, and the case was often referred to as the "misunderstanding 'mongst mule men". Quinn was acquitted in the Cason case, and the Boulware case was dismissed; but he was three times tried in the Murry case, and the last time convicted, and sentenced to seven years in the penitentiary. An appeal was taken to the supreme court, but Quinn committed suicide while in jail, pending his appeal.

Cook vs Pulitzer Publishing Co. Sam B. Cook, ex-secretary of state of Missouri, filed suit against the owners of the St. Louis Post-Dispatch for libel, and this suit was brought to Boone county on a change of venue from Cole county. It was claimed that an article in that paper, regarding the failure, in 1905 of the Salmon & Salmon Bank, of Clinton, Missouri, reflected on Mr. Cook, and his official conduct, as the then head of the state banking department. The trial at the June term, 1906, resulted in a majority verdict for Cook, his damages being assessed at fifty thousand dollars. But the supreme court reversed the judgment (see 241 Mo. 320).

Two former judges of the supreme court, Wm. M. Williams and Shepard Barclay, and Edward C. Crow, ex-attorney general, were connected with this case.

Vantine vs Butler. John Butler was born in Ireland and came to America when he was two years old, and started his business career with nothing. He walked from St. Louis to Jefferson City, and then walked to Sturgeon, where he engaged in the carpenter's business for a number of years. In 1880, he purchased a small farm, some twelve miles southwest of Sturgeon, and built a store, and soon a



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post office, known as "Butler's Store", was there established. He built a mill, a blacksmith shop, a church, a school house and several dwellings; in fact, he owned the entire town. He fitted up the church, at his own expense, and allowed all denominations to hold service there. So thrifty was he that he soon owned 2800 acres of land in that neighborhood, and was known all over that country as the "King of Blackfoot". He was twice the republican nominee for county judge, and took an active part in everything in his county. In 1906, Mr. Butler died at the advanced age of eighty-one years, having been four times married.

After the death of Mr. Butler, Mrs. Lizzie Vantine, of Monroe county, claimed an interest in his estate, alleging that she was his daughter by his first wife. It was said that Mr. Butler separated from that wife, during the Civil War, that she lived awhile in Sturgeon and shortly gave birth to Lizzie. Soon mother and baby took refuge with some Federal soldiers, who took them to Monroe county, where the mother died and Lizzie was raised by friends. The story reads like a romance, but every link in the chain was so well established, even after a lapse of forty-five years, that the circuit court, Judge Nick M. Bradley presiding, decided that the child, Lizzie, then Mrs. Vantine, was a daughter of John Butler and entitled to her part of the estate, and this decision was affirmed by the supreme court of Missouri (see 240 Mo. 521). The credit for winning this unusual case is due to Gillespy & Conley, who were plaintiff's attorneys, and who found pieces of evidence in different parts of the country, and put the same together till it was strong enough to convince the trial and higher courts. One piece of evidence was rather spectacular. A son of Mrs. Stewart, one of the daughters of Mr. Butler, was in court, and so was a son of Mrs. Vantine, and when plaintiff's attorneys called the two young men before the court, it was remarked by many that they looked enough alike to be twins.

Garey vs Jackson. This was an action for slander, and was a noted case owing to the fact that Dr. C. M. Jackson, the defendant, was dean of the department of medicine in the Missouri University. The plaintiff was one of the proprietors of the Missouri Store Company, and the defendant was friendly to the University Co-operative Store, a rival in business. It was claimed that the defendant made a speech to the University students, and used language that injured the plaintiff's business standing. A stenographer was present at the time the speech was made, and the same was taken down and read at the trial; so there was no dispute as to the words used. There was a difference between the parties as to the meaning intended by the de-

fendant and understood by his hearers. A trial in the Boone circuit court resulted in a hung jury; then a change of venue was taken to Audrain county, where two juries found for the plaintiff, and an appeal was taken by the defendant. Messrs. J. L. Stephens, of Columbia, and Chas. M. Hay, of Fulton, represented the plaintiff, and E. W. Hinton and McBaine & Clark, the defendant.

State vs White. Benton White, for twenty or twenty-five years justice of the peace of Missouri township as well as mayor of Rochepoort for several terms, enjoyed the distinction of being the only Boone county official to be prosecuted for drunkenness in office. It must not be understood that the writer intends to say that Benton White is the only county or city official who has indulged too freely in the flowing bowl, but the only one brought to trial on that charge. At the June term, 1912, an information was filed against Justice White, he was tried by a jury in the circuit court and convicted, and a fine of fifty dollars assessed against him. But the court of appeals (*State vs White*, 168 Mo. App. 249) reversed the case, as the evidence failed to show that the defendant was incapacitated by reason of his intoxication. On account of the sympathy they had for the defendant, Messrs. Gillespy and Conley and J. L. Stephens, represented him free of charge in both courts.

Student Cases. In March, 1851, the friends of the University and people of Missouri generally were shocked, when Prof. Robert A. Grant, a teacher in the University, shot and fatally wounded George Clarkson, a student of that institution. This shooting took place late one afternoon in Columbia, on Broadway, a little west of the Eighth street crossing. Grant was prosecuted by Chas. H. Hardin, circuit attorney, and Jas. S. Rollins, and he was defended by Jno. B. Gordon and Saml. A. Young. At the preliminary examination, Prof. Grant was released on the ground of self-defense. At the August term, 1851, the grand jury refused to indict him, so he was discharged. He moved at once to California.

In 1853, W. W. Thornton, of Illinois, shot and killed B. F. Handy, of Kentucky. Both were students of the State University, and the fatal difficulty occurred in the east front coridor of the main building of the University one morning. Thornton was prosecuted for murder, but was acquitted.

In March, 1876, Sidney E. Smith, a University student from Knox county, was stabbed and almost instantly killed by Wright Christian. The trouble occurred on Broadway between Eighth and Ninth streets one Saturday night. Christian fled but was vigorously pursued by Sheriff Jas. C. Gillespy, who traveled and advertised ex-

tensively. After a few weeks, Christian was found in Dennison, Texas, was returned to Columbia, tried and convicted of murder in the second degree. Two young men, C. B. Sebastian and C. B. Rollins, just then graduated from the University law school, were appointed by the court to defend him; and they took his case to the supreme court, where the judgment was affirmed (see *State vs Christian*, 66 Mo. 138). Christian escaped from the penitentiary, was recaptured and served the major portion of his term, when he was pardoned by the governor. He afterwards became a lawyer and was elected to the legislature in a distant state.

In 1888, the grand jury of Boone county investigated the publication and circulation of certain printed circulars, known as "Bogus Programmes". One young man named Hunter tried to shield some of his friends, so it was said, and he was indicted for perjury before the grand jury. But the case was dismissed at the next term, and this was the last of the boguses.

In 1913, Titus, Terhune, Anderson, Beeler and Joyce, all University students, were prosecuted for illegal voting at a special city election in Columbia. All of the cases were taken to Callaway county on a change of venue, where Beeler and Joyce were acquitted, and the rest of the cases were dismissed.

Several times have students been prosecuted for jokes played on April Fool day, and for misdemeanors committed on Hallowe'en nights, firing cannons, carrying off gates, raising sidewalks, removing sign boards, etc. But, as most of the jurors were boys once on a time, and many of them University boys, there have been only a few convictions in these cases, and the punishment has always been light.

University Condemnation Cases. In 1913, the general assembly appropriated two hundred and fifty thousand dollars to erect a new library building for the State University, and also appropriated money with which to buy ground. Being unable to agree with the owners of the block between Lowry and Conley, and Ninth and Hitt streets, in Columbia, suits were instituted to condemn the ground. Walter K. Stone and wife, Elizabeth Sinclair, Mary F. Ford, Wm. H. Guitar, Fannie Douglass, Ira T. G. Stone, Sue M. Smith, Susan B. Cunningham, Wm. H. Rusk and Missouri Store Company were made defendants in the suits. The case against Miss Ford was the only one tried, and, as the jury assessed the damages at the difference between what the University offered and what Miss Ford asked, the other cases were compromised. The other University real estate having been donated to the state, these suits in 1913 were the only condemnation cases the University has ever had.

Judge Samuel Davis tried these University condemnation cases.

Stealing By Proxy. The case of State vs Claud Rader was remarkable in that the defendant was locked up in the city jail of Centralia at the time of and for some days prior to the larceny, and remained so confined until some days thereafter. It was claimed by the state that the defendant talked through the jail window to one William Bell, and that he counseled and advised Bell to steal some feed from the barn of W. L. Green, one mile away from the jail, and that in pursuance of said bad advice, Bell visited said barn in the nighttime and unlawfully appropriated a wagon load of baled alfalfa hay, oats and corn. A jury in the Boone circuit court convicted Rader of grand larceny at the January term, 1914, the only man ever convicted in Boone county of stealing by proxy. This conviction was due no doubt to the eloquence of the prosecutors, E. C. Anderson and Geo. S. Starrett, but the supreme court reversed the case (see State vs Rader, 262 Mo. 117).

At the second trial of this case, the defendant was convicted of petit larceny and fined one hundred dollars. The result of this verdict was due largely to the earnest and eloquent pleas of Prosecuting Attorney W. M. Dinwiddie and Assistant Prosecuting Attorney J. S. Rollins.

Public Service Commission Cases. After the passage of the public service commission statute in 1913, the Columbia Telephone and Columbia gas cases were among the first in the state to be filed. Complaint was made by J. B. Sims and others against the Columbia Telephone Company in regard to excessive rates, installation fees, boarding house rates and an extra fee for talking over rural lines. A hearing was had in the court house in Columbia and a number of witnesses were examined. The commission decided that the rates in Columbia were not excessive, but that the other matters complained of were in violation of the public service law, and directed their discontinuance. Jas. C. Gillespy and N. T. Gentry represented the complainants, and McBaine & Clark and W. M. Williams represented the telephone company.

A little later, complaint was made against the Columbia gas works, a hearing had in Columbia and a ruling that its rates were too high. W. M. Dinwiddie and Geo. S. Starrett represented the city, and McBaine & Clark represented the gas manufacturers. This case has been taken to the supreme court.

Railroad Rate Case. In 1914, the case of State ex rel. Jno. T. Barker, Attorney General, vs M., K. & T. Railway Company was filed in Boone county. It was an action to recover two million dollars,



FRANK G. HARRIS

by reason of the defendant having received more than the legal rate for the transportation of passengers and freight after the enactment of the rate statutes of 1907. Judge Harris heard the arguments and intimated that he would sustain a demurrer to the petition; when, by agreement, the matter was continued till the supreme court passed on a similar case, in which it was held that the Attorney General could not maintain such a suit, as the same should be brought in the names of the shippers or passengers.

Physicians' Cases. In 1915, two Boone county physicians had cases decided adversely to them. Dr. J. W. Carryer was charged with performing a criminal operation, and was fined five hundred dollars in the Circuit court: and, on appeal, Judge Walker, of the Supreme court, affirmed the judgment. Messrs. Dinwiddie and Rollins, who represented the state, are the only Boone county lawyers who successfully prosecuted such a case. Messrs. Hay, Harris and Price were attorneys for the defendant.

Dr. A. M. Conway, upon complaint of J. A. Stewart et al., had his license to practice revoked by the state board of health; he having written prescriptions for whisky when not necessary. By certiorari, Dr. Conway tried to have the action of the board quashed, but the Supreme court decided against him. T. T. Simmons was attorney for the complainants, and Sebastian & Sebastian for Dr. Conway.

CHAPTER X

SLAVERY LITIGATION

SUITS BY, FOR AND OVER NEGROES IN ANTE BELLUM DAYS

The slavery question was not only a troublesome political question, but it caused any amount of trouble in the courts of Missouri, and especially in one of the old slaveholding counties like Boone. The property rights in slaves and the prohibition of a slave from testifying bothered the lawyers then like damage suits and suits of unlawful combinations do now.

SLAVE HABEAS CORPUS CASE

In 1848, there was a case in Boone county which showed that a slave was a person and personal property at the same time. "Woodford, a free man of color", as the court papers term him, was charged with breaking into the store of Parsons & Moulton in Columbia, and stealing some gold, silver and paper money, also one counterfeit ten dollar bill. At the preliminary examination, Woodford was bound over, and in default of a bond for three hundred dollars, was sent to jail. Prior to that, Woodford had been emancipated by Jas. M. Northcutt, his former master, but the master was in debt at the time. The Missouri statute then provided that a master could not legally emancipate his slave at a time when he was in debt. A judgment was soon after rendered against the master, an execution was issued and levied on the former slave, Woodford, and he was sold at public auction to Wm. T. Hickman. Accordingly, Mr. Hickman filed a petition for a writ of habeas corpus, setting up the fact that Woodford had been "manumitted by the said Jas. M. Northcutt", etc., and asking that he (Hickman) be given the custody of Woodward. The writ was issued, and Woodward was released from prison to go back into slavery.

IT STARTED WITH A DOG FIGHT

The case of Milton S. Matthews vs Geo. W. Gordon illustrated how the slaveholders of Missouri would fight when they thought one of their slaves was being imposed upon. It was said that they would resent an injury to a slave as quickly as an injury to a member of the



EDWARD W. HINTON

family. Mr. Matthews and Mr. Gordon were prominent business men of Columbia, and lived neighbors on the north side of Cherry street, Mr. Matthews on the east side of Tenth street and Mr. Gordon on the west side of Tenth. Mr. Matthews owned a negro boy about twenty years of age, and Mr. Gordon owned a negro man named Charley (afterwards Charley Boyle, a Columbia blacksmith). On Sunday morning, July 11, 1852, the Matthews boy was passing just south of the Presbyterian church, and saw his dog engaging in a fight with Charley's dog, and Charley's dog was on top. The Matthews boy at once took sides with his own dog, and threw rocks at and began to strike Charley's dog with a stick. Charley appeared on the scene of action and began to whip the Matthews boy. Mr. Matthews came to the rescue of his negro, and began to whip Charley. Some of the Gordon children ran in the house and reported to Mr. Gordon what was going on so close to the church, and Mr. Gordon did not wait for a second announcement. He was in the act of shaving, but he dropped his razor to the floor, and ran to the battleground with his face partly covered with lather. He called to Mr. Matthews to stop, but as the latter paid no attention to him, he dealt Mr. Matthews a blow with his fist, and perhaps with a rock or brick, injuring and disfiguring Matthews' face. In the fight which followed, Gordon was injured on the face. A suit for damages resulted, and Matthews recovered judgment in the Boone circuit court for three hundred dollars. The answer alleged that the striking of Matthews was done in defense of Gordon and in defense of Gordon's slave. Among the instructions which the court gave was one to the effect that the defendant Gordon had the right to defend his property from an assault, and if he used no more force than was necessary to protect himself or his slave, then the verdict must be for the defendant. One interesting paper found among the records of that case is a notice to take depositions, and it stated that the defendant would take depositions on March 1, 1853, at the law office of Francis T. Russell, in Columbia, "between the rising and the setting of the sun".

It is said that the Presbyterian Sunday school adjourned informally that Sunday morning.

THE MASTER WAS RESPONSIBLE

Two cases which illustrate the relations that existed between master and slave, and the liability of the master for the conduct of the slave originated in Cedar township.

In 1853, one Hiram, the slave of Edward Young, was arrested and charged with an assault with intent to rape Miss Nancy Hubbard.

Both the Young and Hubbard families lived northeast of Ashland. The trial of Hiram on this charge was commenced, but was never finished, as a mob took him from the court house and attempted to hang him, but did not succeed in the first attempt. The next day Hiram confessed, and the day following, the mob returned to Columbia, held a meeting and elected Eli E. Bass chairman of the meeting. Mr. Bass, on motion duly carried, appointed a committee consisting of George N. King and others, and that committee secured the services of a blacksmith, and broke open the jail and Hiram was taken out and hanged in the presence of this mob.

After the excitement had cooled off, Edward Young brought suit against Eli E. Bass and others, and recovered judgment for twelve hundred dollars for the killing of his slave. Then in July, 1854, Nancy Hubbard, a minor, by her next friend Eusibius Hubbard, brought suit against Edward Young for damages, on account of the assault made on her by Hiram, and she recovered judgment for eight hundred dollars.

MASTER CRIMINALLY RESPONSIBLE

General Odon Guitar told the following, which occurred in the Boone circuit court; but the names and dates cannot be given. A negro named Sam was charged with the murder of a white man, and was defended by General Guitar. The negro's master was the keeper of a grocery (later known as a saloon), and a man in the grocery raised a disturbance one night. The master told Sam to put the man out, and Sam tried to do so; but the resistance was so great that he could not. The master told Sam to hit him, hit him on the head, and Sam promptly obeyed. The lick on the head was so great that death ensued a few days later, hence the criminal prosecution. The defense interposed was that the negro belonged to the proprietor of the grocery, and was acting in obedience to the orders of his master. A Boone county jury, which then had strong slavery sentiments, decided that the negro was not guilty.

THE WHIPPING POST

Mr. Jas. H. Reid, expublic administrator of this county, tells the following of the crime and punishment of Tony, a negro who was janitor of the Missouri University for many years, and who at one time belonged to President James Shannon:

"My father, R. P. Reid, owned a pair of mules for which he paid four hundred dollars in gold. One day he had those mules hitched to a tree in front of William Gordon's blacksmith shop, which was situated on the east side of Eighth street in Columbia, on the present

site of the Boone County Mill, and just north of the alley. My father had accused Tony of stealing a hog, and Tony felt aggrieved, and got a bottle of vitriol from Dr. Norwood's office or laboratory at the University and poured it on these mules. In a moment, the mules began cutting all kinds of capers, and Mr. Gordon did what he could to relieve them, and in a hurry sent for my father. Both mules were practically ruined, and we began a search for the guilty party. Some of the drug dropped on the plank sidewalk, and burnt a hole in it, so we ascertained that it was vitriol. Inquiry at the various drug stores proved that no such stuff had been sold to any one; so the University laboratory was the only other place in town where such a drug could be obtained, and Tony was the only person who carried a key to the laboratory, except Dr. Norwood. Accordingly Tony was arrested, and he confessed. A trial was had before Joseph W. Hickam, justice of the peace of Columbia township, and Tony was convicted and sentenced to have thirty-nine lashes on his bare back. J. G. Slate was then constable, so he took Tony and stripped him, tied his hands with a rope and swung him up in the old meat market, kept by John Lange, Sr., situated at the southwest corner of the court house square, and gave Tony the Biblical number, 'forty lashes, save one'. Every lash either raised a blister or drew the blood. At that time, which was early in 1861, Tony belonged to Dr. Walter T. Lenior, who was a son-in-law of President Shannon, and my father sued Dr. Lenoir and made him pay for the damage done to the mules, which was three hundred and forty dollars."

On the first day of the next term of the Boone circuit court, which was May 20, 1861 (see circuit court records book "H", at page 297), the following entry appears in regard to Tony: "Walter T. Lenoir, who was personally known to the judge of this court, came and acknowledged a deed, emancipating a slave, Tony, about forty-five years old, black in color, five feet, 4½ inches high, and with certain scars on his body, to be his act in deed for the purposes therein mentioned." This deed was recorded on the same day, in deed book 31 at page 198. The scars on Tony's body were the result of the whipping that he received.

As soon as he was emancipated, Tony left Boone county, and the last time he was heard from, he was living in the free state of Iowa.

OTHER CASES OF CORPORAL PUNISHMENT

In October, 1824, when Abiel Leonard was circuit attorney, Tony and Nancy, both slaves, were indicted for stealing "five pieces of silver of the value of five dollars" from David Jackson, of Columbia.

The trial resulted in the acquittal of Tony and the conviction of Nancy. Her punishment was assessed at twenty lashes on her bare back, to be inflicted immediately by the sheriff at the public whipping post in Columbia. And the record shows that the sheriff thereupon made oath that he would execute said judgment of the court. The order further directed that Nancy be committed to jail till the costs of the case were paid.

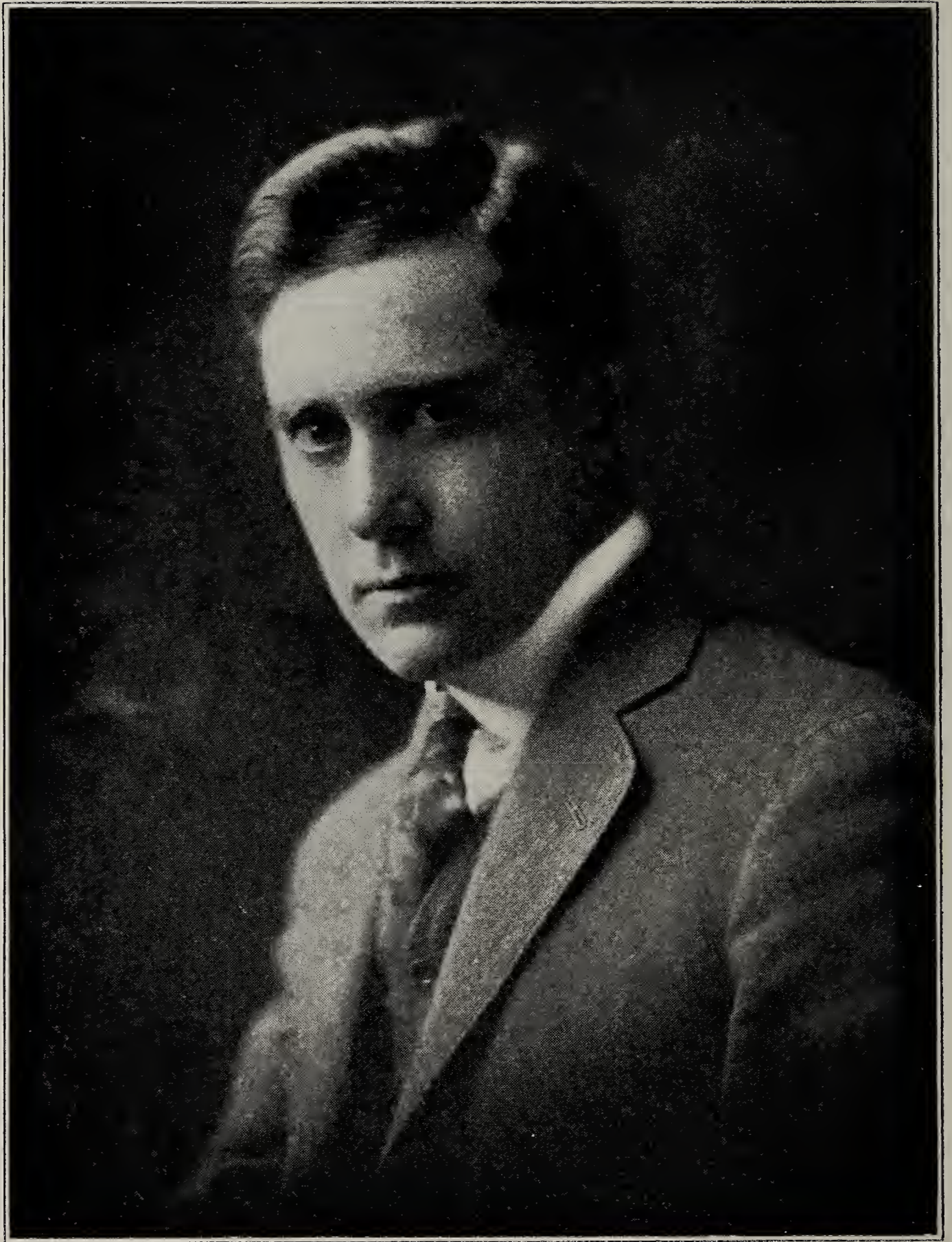
At the August term 1848, Patsy, a slave belonging to Montgomery P. Lientz, of the Woodlandville neighborhood, was indicted for attempting to poison James Howlett, to whom she had been hired. A trial resulted in the conviction of Patsy, and her punishment was assessed at thirty-nine lashes on her bare back.

Section 20, page 1474, R. S. Mo. 1855, prohibited a slave from going upon the plantation of any person not his master, unless sent there on lawful business. About one year before the civil war, Mr. Joel H. Haden was a farmer living north of Columbia, and the owner of a number of slaves. One Saturday night, his slaves gave a dance and other slaves of the neighborhood were in attendance, the dance continued till the small hours. For having such a gathering, complaint was made to a Columbia justice, and twenty of the negro men were whipped at the John Lang meat market, on the court house square. Each negro received ten lashes, and Buck Lampton, the constable of Columbia township, officiated.

Four negro men were accused of breaking into a store in Columbia, where the Victor Barth Clothing Company is now located, and carrying a small iron safe out to about where Moore's Station is now situated, breaking open the safe and stealing the money. While there was some suspicion against the four negroes, there was no proof against them, so each one was given twenty lashes at the whipping post, by order of the justice of the peace, and the master required to "sell them down South."

MORTGAGED NEGRO

In August, 1854, John H. Lynch, of Columbia, brought suit against Moss Prewitt, at that time Columbia's leading merchant and banker, alleging that in April, 1850, plaintiff was about to go to California in quest of gold, and that it was agreed that plaintiff would deliver to the defendant a certain negro man slave, named Jerry, aged about twenty-three years, a good painter by trade and of great value, in consideration of one thousand dollars. That it was further agreed after plaintiff's tour and adventure in pursuit of gold on his return home, plaintiff would have the right to redeem said slave upon paying



J. P. McBaine

said one thousand dollars and interest. That plaintiff remained in California until September, 1853, when he left for home, arriving in Columbia on November 6, 1853, sick, discouraged and unable to attend to business. As soon as his health would permit, on February 4, 1854, he tendered said money to defendant and offered to redeem said slave, when to his very great surprise and astonishment, defendant refused to deliver said slave. The defense interposed was that the paper that was executed was an absolute sale of said slave.

So great was the feeling in this case that Odon Guitar, James M. Gordon and Peyton R. Hayden were employed to represent the plaintiff, and James S. Rollins, John B. Clark and R. T. Prewitt, the two latter being Howard county lawyers, represented the defendant. The court decided in favor of the plaintiff.

OTHER SLAVE CASES

Killing of Slave. The case of Nash vs Primm, which originated in Boone county and was taken to St. Charles county on change of venue, was the first Missouri case to hold that a man was liable in damages for the killing of another man's slave, although there had been no conviction or prosecution for the homicide. The case was tried in 1822, and the opinion of the supreme court is not much longer than this paragraph (see Nash vs Primm, 1 Mo. 178).

Sabbath Breaking. At the June term, 1828, the grand jury indicted a man for distilling liquor on Sunday. There was a second count, which charged that the defendant "on the 20th day of January, 1828, it being the Lord's Day, with force and arms at the county of Boone aforesaid, did then and there compel his slaves to labor and perform services, and did then and there compel them the said slaves to labor in attending a certain distillery there situated, and in bringing wood for the same and in making fires for and in the same, and in hauling wood; and the jurors aforesaid in fact say that none of said labor and services were the ordinary household offices of daily necessity or charity, nor were they other works of necessity or charity, against the form of the statute in that case made and provided, and against the peace and dignity of the state".

The defendant was tried by a jury, found guilty and fined ten dollars on each count.

He Wanted to be Free. "Tom, a man of color", through his attorneys, John B. Gordon, Austin A. King and A. W. Turner, filed a bill in equity in 1832, which was the first suit brought in Boone county by a negro. The substance of his bill was that he had entered into a contract with his former owner for the purchase of himself,

that he had paid the purchase price in full, and that a deed of emancipation, "emancipating, liberating and freeing your orator from the bonds of slavery" was executed, but that the defendant, after delivering said deed and before it was recorded, fraudulently obtained the same and held possession thereof. This case was dismissed, as a deed of emancipation was afterwards duly recorded.

His Witness Could Not Testify. In 1840, the case of Ira P. Nash vs J. & W. Kuykendall was tried in Boone county, and attracted considerable attention. Nash was a shrewd town boomer and promoter, as well as a physician, surveyor, horticulturist and agriculturist. He did not have the proper respect for the rights of others, but enjoyed playing a trick on his fellow man; hence his extreme unpopularity. He took some wool to the Kuykendalls, who were merchants at Nashville, and left it for sale, with the distinct understanding that the wool must not be sold for less than a certain price, which was twice the market value. In the course of some months, the wool not having been sold, Nash sent one of his slaves to get it. The wool was delivered to the slave, who in turn took it home and delivered it to his master. After a few more months, Nash brought suit against the Kuykendalls for failure to return the wool. When Kuykendall attempted to prove by the slave that he took the wool home to Dr. Nash, objection was made, and the slave was not permitted to testify. Judgment was therefore rendered in favor of Nash, and for the value that he had placed on the wool. This case had much to do with the enactment of our present statute, which permits a plaintiff to be sworn, in behalf of a defendant, and *vice versa*.

Dealing with Slaves. R. S. Mo. 1835, page 583, section 7, prohibited the master, or owner of a slave to suffer the slave to "go at large, upon a hiring of his own time, or to act, or deal as a free person". In February, 1840, Joseph Estes, a well known farmer of Boone county, was indicted by the grand jury for permitting a negro man, named Armstead, the property of said Joseph Estes "to go at large upon a hiring of his own time, and to act and deal as a free person". Mr. Estes pled guilty and was fined twenty dollars and cost. In February, 1859, Mr. Estes was foreman of the grand jury that indicted Robert Schooling for the same offense, and Mr. Schooling pled guilty and was fined a similar sum. At the same term of court, Thomas Whittle, who had recently moved to Boone county from England, was indicted on a similar charge, and he too was fined twenty dollars. And in October, 1859, a similar indictment was returned against James S. Rollins, but the case was afterwards dismissed.



CHAS. J. WALKER

In February, 1857, Thomas White, a Columbia merchant, was indicted on two charges for dealing with a slave, and was fined forty dollars in each case, as was Lafayette Hume in November, 1860.

Slaves Murder Master. In 1843, five negroes, Henry, America, David, Simon and Mary, were charged with the murder of their master, Hiram Beasley, a farmer who lived between Columbia and Providence. The murder was the result of cruel treatment, so it was said. At the trial, Mary was acquitted; Simon and David were convicted of murder in the second degree, and given thirty-nine lashes and banished from the state; and Henry and America were convicted of murder in the first degree and hanged. The hanging of these two slaves was one of the few legal executions in Boone county.

Slaves Caused Will Contest. In 1846, Zadok Riggs died near Sturgeon, in Boone county, and his will was soon probated. By its terms, Mr. Riggs gave to his widow two slaves, Charlie and his wife, and provided that they should belong to her during her lifetime; but at her death, both slaves "were to become free, the same as if they had never been in bondage". As Charlie and his wife were very valuable, and as the will gave the heirs no interest in them, suit was brought to break the will. Mrs. Riggs, so her niece, Mrs. B. F. Tucker says, was devoted to these two slaves, and she was determined that they should be freed. Accordingly, Mrs. Riggs wrote out a pass for Charlie and his wife, signed it and gave them the money with which to go to Canada. After giving them directions about traveling, she started Charlie and his wife on their long journey one night; and, as she then lived on another farm, away from her children, she concealed from them for a day or two the flight of Charlie and his wife. When the heirs learned that the two negroes had safely reached the English dominion, the will contest was abandoned.

Decoying Slave. In 1848, "Lewis, a free person of color", was prosecuted for "aiding and assisting in decoying Caroline, a slave, the property of Thomas Selby". My Selby was proprietor of Selby's Hotel in Columbia, and Caroline waited on the hotel table. Lewis, who had been liberated by his former master, visited Caroline and told her of the benefits of freedom. So Lewis had to go to jail.

Negroes Stole Turkeys. Wm. I. Sexton says that his uncle, Geo. H. Sexton, while justice of the peace of Perche township, had a new case to come before him. It seems that Joseph Lefler died, and by his will emancipated his negroes, Amos and wife. Then these negroes were accused of stealing a turkey gobbler, a turkey hen and a setting of eggs, and were convicted. The question as to their punishment was then an important one. If they were slaves, the statute provided

that they must be whipped; if not slaves, the punishment was a term in jail. Having no precedent to follow, and meting the punishment to fit the case as he thought best, Justice Sexton held that, as they had been slaves, the punishment must be thirty lashes, and accordingly the constable administered them.

License of Free Negro. In accordance with the provisions with chapter 123, R. S. Mo. 1845, entitled "Free Negroes and Mulattoes", the county court of Boone county on September 9, 1850, made the following order in regard to a well known Columbia citizen (see county court record book "I", page 571):

"John Bateste Lange, a free man of color, thirty-seven years of age, five feet, seven and three-fourths inches high, of yellow complexion, by profession a butcher, came into court and made application for a license to reside within this state and it appearing to the court that he is of the class of persons who may obtain such license, that he is of good character and behavior, and he having further more entered into bond as the law directs with James Shannon his security in the penalty of one hundred dollars, it is ordered by the court that such license be granted him".

John Bateste Lange was the father of John Lange, now of Kansas City, the manager of Blind Boone.

And as late as February, 1864 (after Lincoln's emancipation proclamation), Pearce Buffington, a citizen of the southern part of Cedar township, who was active as an abolitionist, was indicted for dealing with slaves without permission from their masters. This case was continued until the February term, 1865 when Buffington was tried and acquitted.

Selling Liquor to Slaves. The opposition to the sale of liquor began to assert itself as early as August, 1855, when Leopold Grossman and Charles Mason, Rocheport merchants, were each fined twenty dollars for selling liquor to a slave. And one Hatton was indicted for suffering his slave to sell liquor, in violation of R. S. Mo. 1835, sections 17 and 18, page 584.

Inciting Slave to Leave State. In May 1862, William Berry, of Boone County, was arrested on a charge of attempting to induce a slave to leave the state. He was bound over by the justice of the peace, but the grand jury declined to indict him.

Replevin Cases. One of the most pathetic incidents in our court procedure was the trial of the case of James M. Robinson vs Elizabeth A. Street, in November, 1862, which was a replevin suit for the possession of Isabella, a negro girl aged nine years. The court decided that the plaintiff was entitled to the possession of the child and she was taken away from her mother.



J. S. ROLLINS, JR.

Stephen Todd, an old negro still residing in Columbia, told the following about his master, Judge David Todd, which must have happened about 1836, as Judge Todd retired from the circuit bench in 1837:

“Two men had a law suit over a nigger (a replevin suit). Each man claimed to own him. Old Mahster was judge then, and he made one of the men give bond for two thousand dollars that he would produce the nigger on the first day of the next term of court. Two or three nights before court met, some men stole the nigger and tried to run away with him. One of the men who was on the bond got the sheriff and took after them and caught them near Cedar creek, and all were brought back to Columbia. So the nigger was produced when the trial came up, and the men who stole the nigger were sent to the penitentiary”.

Was It a Sale? A most unusual case was tried in this county, and, like the other slave cases, it was a hard fought case. Mr. W. S. Pratt says a negro trader visited a Boone county farmer, living just west of Columbia, and desired to buy a certain negro man named Al, and the negotiations were pending for an hour or more. By eavesdropping, some of the negroes ascertained what was going on, and told Al that he was sure to be “taken down south”, which was the dread of all negroes. Al went to the woodpile, picked up an axe and cut off the fingers of one hand, hoping thereby to prevent the trader from buying him. He then went to the house and showed his maimed hand. The trade had already been closed and the payment in gold had been made, but the trader did not want Al then. A suit resulted, and it was claimed on one side that the injury to Al’s hand occurred before the trade was closed, and it was claimed on the other side that the injury occurred after the trade was closed. The jury decided against the negro trader.

Breach of Guaranty. Judge Jno. F. Philips says that the first case that he remembers to have heard tried in Boone county was a suit for damages on account of a breach of guaranty in the sale of a slave. It was claimed that the slave was guaranteed to be of sound health, but that the purchaser afterwards ascertained that the slave was suffering with the piles; hence the suit. After much expert evidence from physicians and slave traders, the jury decided in favor of the plaintiff.

Partition of Slaves. On April 1, 1860, the county court, which then had probate jurisdiction, appointed Jas. L. Stephens, Wm. B. Selby and Geo. T. Laxton, commissioners to partition the slaves belonging to the estate of Dr. Henry M. Clarkson, deceased. The com-

missioners, as was the custom in that time, made an appraisement of the different negroes, set apart some of them to the widow, as her dower, and others to the children of the deceased (county court record book "N", page 637).

Old citizens say that while Buck Lampton was constable and auctioneer of Columbia, he sold and hired most of the negroes at public auction, in front of the court house; and that his favorite expression was, "This is a valuable slave; he will prove a fire in the winter and a shade in the summer."

White Man Whipped. Mr. Wm. J. Babb says that he saw a white man stripped to the waist and given nineteen lashes, the offense being playing cards with a slave. This occurred on the court house square.

Slave Had a Gun. R. S. Mo. 1845, section 21, at page 1016, prohibited a slave from having possession of a gun or other weapon, and provided that whenever found in possession of any weapon, the weapon should be forfeited to the person making the seizure and the slave should be whipped. In 1850, "Henry, a slave", was prosecuted before a Rocky Fork township justice for having a shotgun at his house, and the informant was a lawyer named John M. Myers, also of that township. Henry was convicted, the gun declared forfeited to Myers and Henry was given thirty lashes.

Former Slave Bought Husband. In 1850, John Copelin, of the Woodlandville neighborhood, liberated his slaves by will, and gave them some land. Shortly after his death, one of the slaves, Theodocia, gave a mortgage on her land to Andrew McQuitty to secure payment of the purchase price of Sam, a slave to whom Theodocia was married. The mortgage not being paid, it was necessary to foreclose by suit.

Apprenticeship. For several years after the Civil War, young negroes, whose parents were unable to support them, were "bound out", as it was commonly called, or "apprenticed", as termed by our statute, until such negroes arrived at twenty-one years of age. The county court had jurisdiction over such matters, as will appear from the following order of that court, dated July 2, 1867:

"Thomas, a boy of color, comes into court, and by the consent and approbation of the court, binds himself apprentice to P. T. Christian to learn the business of husbandry, until he arrives at the age of twenty-one years. Whereupon the parties entered into an indenture with covenants in duplicate according to law".

A similar order was made by the court on the same day, regarding "Elizabeth and Laura, girls of color", who were apprenticed to Matthew R. Arnold, to learn the business of "housewifery".

CHAPTER XI

DURING WAR TIMES

BLACK HAWK INDIAN WAR

The early citizens of Boone county being mostly from Kentucky, Virginia and Tennessee, and being sons and grandsons of old soldiers, were fond of military affairs and proud of their military achievements. The Missouri statutes of 1825 provided for the organization of militia, muster days, the exemption of the militia from jury service, freedom from arrest, etc. Seven Boone county lawyers enlisted in the Black Hawk Indian War, viz., Washington Jenkins and E. P. Mills, privates, and General Jesse T. Wood, Major Jas. S. Rollins, Major Calvin L. Perry, Colonel Austin A. King and Captain Sinclair Kirtley received their military titles under General Richard Gentry. This war was in 1832, and, on account of the absence of so many lawyers from Boone county, Judge David Todd continued nearly all of the cases and adjourned that term of circuit court.

SEMINOLE INDIAN WAR

In 1837, the Seminole Indian War in Florida attracted the attention of Boone county citizens, and the First Regiment of Missouri Volunteers was raised in Boone, Howard, Callaway and adjoining counties. When the time came for the soldiers to leave Columbia, Judge Thomas Reynolds adjourned court, and a mass meeting of citizens was held in the court house, at which Judge Reynolds was elected chairman. Then Boone county lawyers, Jno. B. Gordon, A. W. Turner, Jas. S. Rollins, Benjamin F. Robinson and Judge Warren Woodson delivered speeches, eulogizing the Boone county boys. The meeting adjourned to the northeast corner of Broadway and Ninth streets, in front of Gentry's Tavern, where a silk flag was presented by the ladies of Columbia. Miss Lucy Ann Wales, principal of the Columbia Female Academy, made the presentation speech, and Col. Richard Gentry, of the Missouri Volunteers, responded.

MEXICAN WAR

In 1846, when the "Boone Guards" were ready to leave Columbia and engage in the Mexican war, Judge Jno. D. Leland excused three jurors from service, in order that they might fight for their country.

He also adjourned court, and a silk flag, which had been made by the ladies of Columbia, was presented to this company. On this occasion, three Boone county lawyers made patriotic speeches; Col. Samuel A. Young and Robert L. Todd in behalf of the ladies, and Lieutenant Robert B. Todd in behalf of the soldiers. Several members of the bench and bar of this county were Mexican war heroes, viz., Attorneys Odon Guitar, Jas. H. Moss, F. F. C. Triplett, Jno. R. Bedford, Samuel A. Young and Robert B. Todd, and Judge John Hinton, and Justices Tyre H. Martin, John Ellis, Tyre G. Harris and C. V. Bicknell.

Jno. R. Bedford, then actively engaged in law practice and a member of a prominent Boone county family, was killed by the Mexicans, but the circumstances connected with the killing were never known, and his body was never recovered.

KANSAS WAR

In 1856, the slavery question in its various forms, the Kansas-Nebraska bill, the repeal of the Missouri Compromise, etc., were discussed in Boone county, and especially by Boone county lawyers. So strong was public sentiment in Boone county in favor of slavery that a company was raised to go to Kansas, and the county court was asked by a large number of our citizens to appropriate five thousand dollars to buy guns and ammunition and defray the expenses of the Boone county soldiers to Kansas. Col. Samuel A. Young and Capt. Lewis W. Robinson, both prominent Boone county lawyers, were elected officers of this company, and money to defray their expenses was raised by private subscription. These lawyers and their soldiers went to Kansas, took part in some battles and in some elections, but fortunately not much blood was shed during the fighting in Kansas. The soldiers returned to Boone county, ready for the great conflict, which soon followed.

CIVIL WAR

Lawyers in War. Not only did Boone county lawyers take part in other wars, but they seemed anxious to take part in the Civil War, and were noted for their deeds of valor. A number of them attained to high positions, while others fought faithfully in the ranks. Odon Guitar, Joseph B. Douglass, Andrew J. Harbinson, Francis T. Russell, Jas. H. Moss, Jno. F. Philips, Jas. S. Rollins, Carey H. Gordon, Lewis M. Switzler, Thomas B. Gentry, Samuel A. Riggs, Robert Henry and J. T. Redmond took sides with the Union; while Middleton G. Single-

ton, James J. Searcy, Hiram C. Pierce, Wm. C. Todd, Wm. H. Kennon, J. DeW. Robinson, Wellington Gordon, Wm. J. Babb, Thos. S. Carter, Fred B. Young and A. W. Runkle joined the South.

Boone County War Meetings. The lawyers of this county were prominent in the "irrepressible conflict", and their positions were known to all. At the great Southern meeting held in the court house in April, 1861, Squire Turner, F. F. C. Triplett, Judge P. H. McBride, Judge Alexander Persinger, Lewis W. Robinson and Col. John Hinton were among the leaders. And a few days later, at a Union meeting held in the court house, Maj. Jas. S. Rollins, Col. Wm. F. Switzler, Gen. Odon Guitar, Judge David Gordon, Francis T. Russell and Thomas B. Gentry were the moving spirits.

Lawyers Take Oath. As a result of the Civil War and the strenuous efforts that were put forth to prevent and put down secession in Missouri, political issues and military orders found their way into the courts. On May 19, 1862, (circuit court record book "H", page 374), the following appears:

"Ordered by the court that, in pursuance of general orders from Major General H. W. Halleck, commanding the Department of the Mississippi, the following be adopted as a rule of this court. That all attorneys at law, as a condition to their practicing in this court, shall take the oath prescribed by the convention of this state, on the 16th day of October, 1861, in the words following, to-wit: 'I do solemnly swear, that I will support the Constitution of the United States and of the State of Missouri; that I will not take up arms against the government of the United States, nor the provisional government of this state; nor give aid and comfort to the enemies of either during the present Civil War'; and Messrs. Robert T. Prewitt, Boyle Gordon, James R. Shields, F. F. C. Triplett, Squire Turner, A. J. Harbinson, F. T. Russell, Wellington Gordon, James M. Gordon, filed the oath aforesaid, taken and subscribed by them."

Justices Ousted from Office. The war spirit found its way into the county court by an order made December 18, 1861 (county court record book "O", page 116), which order was as follows:

"The offices of the following justices of the peace were declared vacated because they failed to take the oath prescribed at the state convention of 1861, viz., Wm. L. Connevey, of Centralia township, John Bowman, of Missouri township, John Ellis, of Cedar township, Lewis H. Pemberton and Joseph W. Hickam, of Columbia township, Lewis G. Berry, of Rocky Fork township, N. B. Burks, of Bourbon township and M. G. Corlew, of Perche township."

The court also ousted Judge Jno. W. Hall, a member of the county court at that time, also Alexander Douglass, county treasurer. The Governor appointed Hiram Phillips, county judge, and Moss Prewitt, county treasurer. About the same time, Jno. M. Samuel, who had been elected sheriff, refused to take the oath, and Jas. H. Waugh was appointed in his place. In a short time, the county court re-appointed Joseph W. Hickam justice of the peace, and he qualified.

Trial of Bill Anderson's Man. In the early part of the Civil War, Judge Wm. A. Hall was trying one of "Bill" Anderson's men, charged with horse stealing, when it was learned that Anderson and his forces were coming to Columbia. Without the formality of a proclamation of adjournment, court stood adjourned, and Judge Hall joined the Columbia soldiers, the court house was barricaded, and everything made ready. But hearing of the warm reception he was likely to receive, Anderson decided not to visit Columbia, and Judge Hall, who was as bold as a lion, opened court the next day, and proceeded with the trial.

Judge Carried Pistols. Judge Lewis M. Switzler says that Judge Burckhardt held court in Columbia several times during the Civil War, and that he sat on the bench with two pistols buckled around his waist. Although it was known that men were being killed, houses burned and property stolen, it was considered best not to indict nor even to investigate. Circuit court was adjourned for one whole year during this war.

Court House Protected. Judge Switzler says that during the Civil War, he and other lawyers dug a ditch around the court house, clerk's office building and Baptist church. This ditch was far enough away to prevent the bushwhackers from setting fire to the court house by first firing a load of hay and then pulling it close to the buildings. Judge Switzler says that the court house was barricaded and occupied by soldiers of the regular army or home guards during nearly all of this war.

Sword Presented to Guitar. As a token of appreciation and high regard for his services at the battles of Moore's Mill, Little Compton and Yellow Creek, the Union people of Columbia purchased a handsome sword and presented it to General Odon Guitar in 1862. The presentation speech was made by a member of the bar, Robert L. Todd, then clerk of circuit court.

Flag Presented to Ninth Cavalry. During the same year, Maj. Jas. S. Rollins, in behalf of the Union ladies of Boone county, presented a silk flag to the Ninth cavalry of M. S. M., and the flag was

accepted by General Guitar. It is said that the speeches of Rollins and Guitar on that occasion were two of the most eloquent and stirring that were delivered during the civil strife.

Pistols Presented to Douglass. In 1864, the Union sympathizers of Columbia, through Judge Lewis M. Switzler, presented a pair of silver mounted pistols to Gen. Joseph B. Douglass, also of the Columbia bar. General Douglass had been successful in a battle with Bill Anderson's men, and pursued them till they were compelled to leave Boone county. These presentations occurred in front of the old court house (now the old columns), the soldiers being drawn up in lines and standing in Eighth street.

Lawyers at Fourth of July Meeting. Although the Civil War was in progress, and our people were divided, many of them knew not how, yet July 4, 1864, was observed at Providence. Thomas B. Gentry, Lewis M. Switzler and A. J. Harbinson were the speakers, the Declaration of Independence was read, a crowd was in attendance, and "Old Glory" was everywhere in evidence.

Lawyers Petition for Relief. In 1865, Wellington Gordon, F. F. C. Triplett, Jno. M. Samuel, Squire Turner, Warren Woodson, John M. Gordon and Fred B. Young each filed a petition in the circuit court, stating that "he had held and entertained feelings of sympathy for the southern people during the Civil War, which is termed by some who pretend to be versed therein to be disloyal to the United States government. And having had friends and relatives in both the Southern and Federal army, it was but natural that he should sympathize with the sufferings and misfortunes of the people and soldiery engaged on either side in the war of the government against the rebellion. But he avers that at no time during the progress of said war, if it had been in his power to adjust the difficulties between the contending parties, would he have consented to a dissolution of the states. That during the continuance of said Civil War and throughout the whole period of his life, he demeaned himself as a law abiding citizen." The petitioner then stated that, by reason of the state constitution of 1865 [the Drake constitution], he was denied privileges of citizenship. He then asked for "an order excusing and exempting him from taking so much of the oath prescribed by said instrument to be taken by lawyers, preachers, teachers and officeholders as is retroactive in its effect and operation." The order was made for each petitioner.

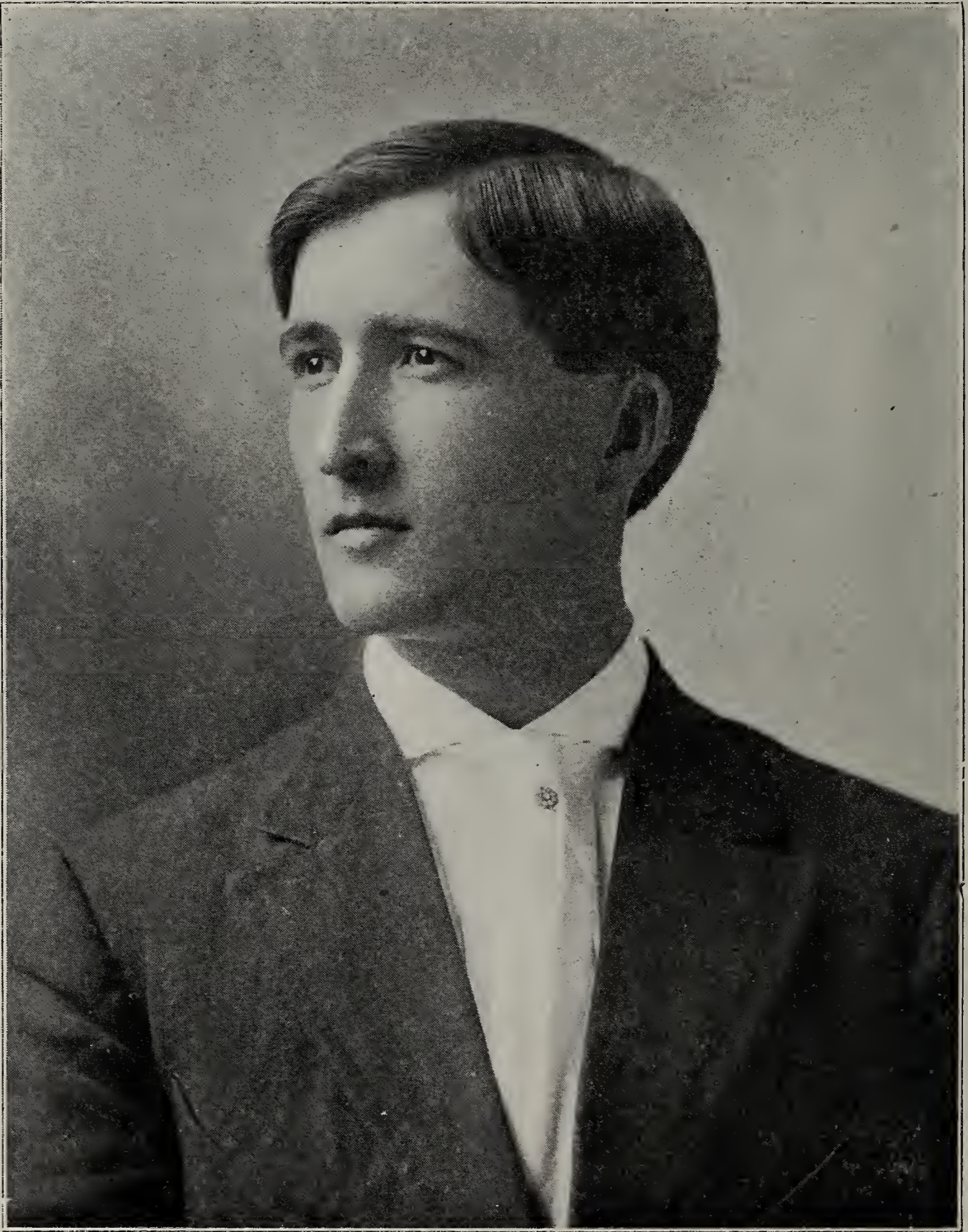
SPANISH-AMERICAN WAR.

Guardian for Soldier. In May, 1898, the whole country had been stirred up over the blowing up of the "Maine", and a number of Boone county men volunteered to fight the Spaniards. Many of the

younger ones enlisted under Capt. Geo. H. English, then a law student in the State University. Milton C. Burk wanted to enlist, but he was under twenty-one, and both of his parents were dead, but Judge Lewis M. Switzler devised a way by which the young man could serve his country. The probate court of this county appointed Dr. G. S. Morse guardian for young Burk, Captain English signing the bond as security, and the guardian then gave his consent. Accordingly, Burk shouldered his gun and went with his companions to Cuba, and Judge Switzler contributed his fees to the good of the cause.

Capt. Gillespy's Company. A company composed exclusively of Boone county men enlisted for the Spanish-American war, and Jas. C. Gillespy, a Boone county lawyer, was elected captain. After stirring talks and preparations for leaving home, the American victory in Cuba occurred on July 4th, the war ended and this company was notified that its services were not needed.

The Stamp Tax. In order to raise money to pay the expenses of the Spanish-American war, Congress passed an act requiring all deeds, deeds of trust, promissory notes, bank checks and contracts to be stamped, and the stamps cancelled. J. DeW. Robinson had some money on deposit with the Boone County National Bank, and he desired to draw out a small sum. He was told by the bankers that he must put a two-cent stamp on his check, in order to comply with the law. Mr. Robinson declined to do this, saying that Congress could require a check, or any piece of commercial paper to be stamped, but that the constitution gave him the right to draw his own money out of a bank, without let or hindrance. So certain was he of his position, and so stubborn in his refusal, that the matter was taken before the attorney general of the United States, who gave it as his opinion that Mr. Robinson was correct. All banks, from that time on, kept blank receipts for customers to sign, and no one had to pay any tax for withdrawing his own money from a bank. Mr. Robinson, in this way, gained a national reputation as a constitutional lawyer.



GEO. S. STARRETT

CHAPTER XII

ADDRESSES

IMPRISONMENT FOR DEBT

Extract from address delivered before Old Settlers' Association of Boone county in 1908, by Judge Lewis M. Switzler.

"The system was inherited from England, where it originated during the reign of Henry III," said Judge Switzler. "The territory of Louisiana, which then embraced the present state of Missouri, adopted this system in 1804; and the Missouri legislature, in 1824, enacted a similar law, but provided for prison bounds. It imposed on county courts the duty of laying off such bounds, at county seats, which were not to exceed sixty rods square, of which the jails, then called gaols, should be the center; and providing for marking posts, and also providing that imprisoned debtors who had given the required bonds should be allowed the freedom of the bounds so laid off. The imprisoned debtor, on giving bond with two securities, was then allowed to go outside of the prison, but he could not go beyond the prison bounds. If he violated the terms of the bond and went beyond the prison bounds, the creditor could sue on the bond and recover judgment against the debtor and his securities, and he, or they, or either one of them, could be arrested and imprisoned. In 1826, and again in 1837, the county court of Boone county established by an order of record, the prison bounds for this county, as follows: 'Commencing at a point forty-three feet inside of Broadway and Sixth streets, thence east to a point seventy feet east of the northeast corner of Broadway and Ninth streets, thence north to Park avenue, thence west on Park avenue to a point forty-three feet east of Park avenue and Sixth street, just north of the beginning, thence south to the beginning.' "

Judge Switzler further said: "Sometimes boundary lines necessarily ran through residences; and convicted debtors residing in such residences, and under bonds, though privileged to go into parts of their houses, could not visit other parts of the same without crossing the boundary. This was actually the case in Columbia with a convicted debtor named Crews, who resided in an old brick residence yet standing on the northeast corner of Sixth and Walnut streets. He could go with impunity into the eastern part of his house, but dared not go into the western part of the same.

"Neither sex nor condition shielded the debtor from the rigorous operation of the law of imprisonment for debt. If judgment for debt were rendered against him, there came on demand, first, the execution, which if not satisfied by payment, was followed by the *capias* for the debtor's arrest and imprisonment. The law contained no provision for the relaxation of its severities under any circumstances. Neither the honesty nor honor of the debtor, nor the moral blamelessness of his failure, availed to save him. Serious sickness of himself or his family, or even the death of some member of his family, or the suffering of his family for the necessities of life, did not avail to privilege him to leave the prison, or to cross the dead line. While the convicted debtors who had given the necessary bonds had the freedom of the bounds in the day time, they were locked in the jail at night."

"In 1837, a suit originated in Boone county, and was an action against the sheriff on his bond, for five hundred dollars damages for allowing a debtor to escape. Judgment had been rendered against the debtor, he failed to pay it and a commitment was issued and delivered to the sheriff for his arrest. After taking possession of the debtor, the sheriff allowed him some liberty, and the debtor ran off; and the supreme court decided that the sheriff was liable on his bond for the amount of the judgment. See *Warberton vs Woods et al.*, 6 Mo. 8.

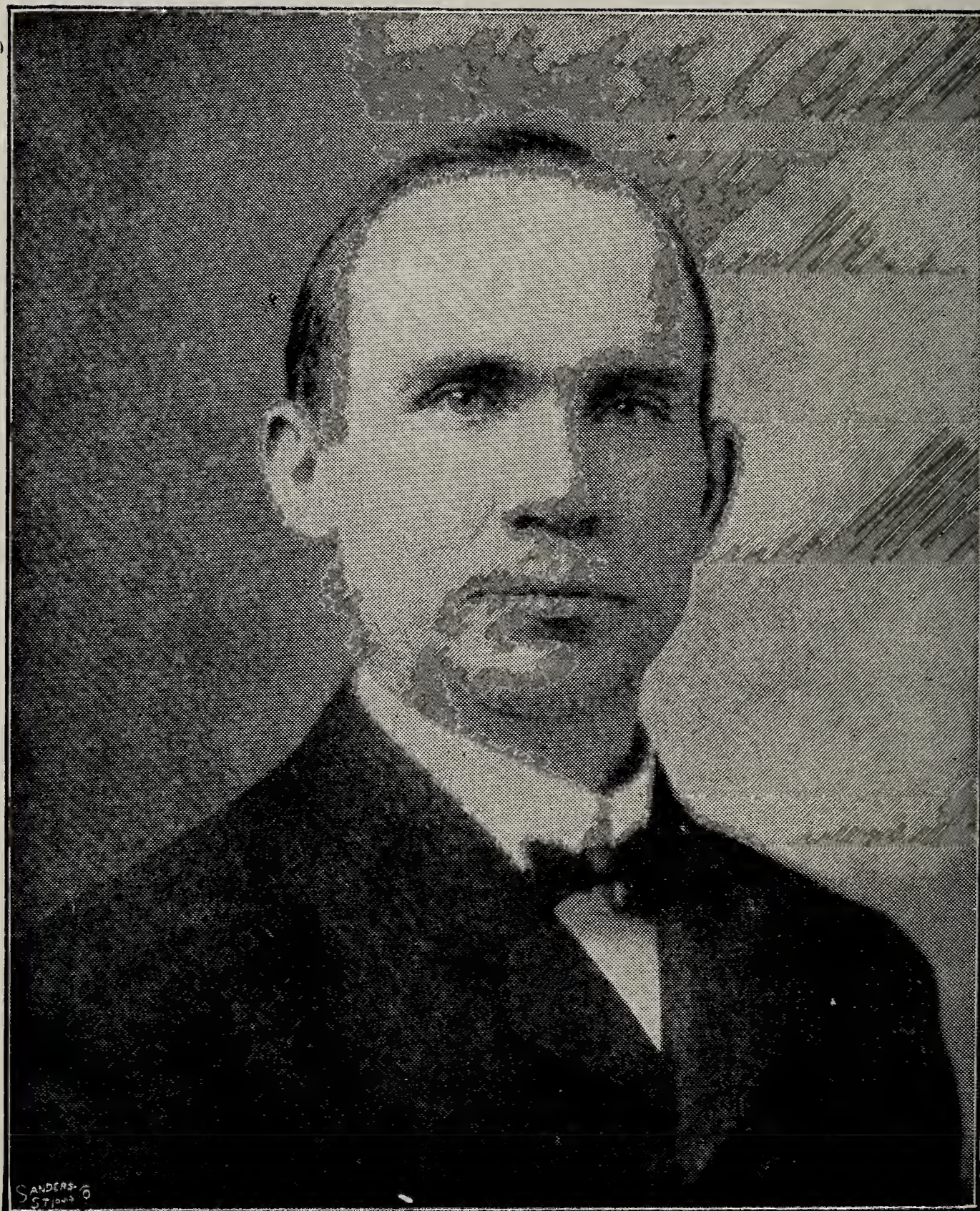
"In 1845, the legislature passed an act, abolishing imprisonment for debt; and thus ended one of the oldest and to us it seems one of the most cruel of laws."

THE COURT HOUSE BEFORE THE WAR

Address delivered before the Boone County Bar Association, in the circuit court room, Saturday evening, June 19, 1909, at Lawyer's Farewell Meeting in Old Court House, by C. B. Sebastian.

At the time of the building of this court house, the county court was composed of Alexander Persinger, presiding judge, James W. Daly and Gilpin S. Tuttle associate judges.

On December 17, 1845, they made the following order: "This court, having determined to erect an entire new court house for this county, it is ordered that Dr. William Jewell be appointed commissioner, to advertise for proposals, contract for, and let out the building of such court house, and superintend the erection of the same and to do and perform all other work and things, which now are or hereafter may be enjoined on him, as such superintendent by law. And for the purpose of defraying the expenses of erecting said



JERRY H. MURRY

building the sum of \$10,000 is hereby appropriated out of any money now in the county treasury or which may hereafter come to and not otherwise be appropriated."

On January 1, 1846, the county court made a further order entitled, "New Court House".

"Ordered by the court that the new court house for this county be erected on 8th cross street in the town of Columbia, east of the public square. And as far north of Walnut street as may be necessary to admit of a front yard. And it is further ordered that the superintendent of said court house be authorized and required to negotiate with the owners of lots numbered 280 and 297 in said town, and that he be empowered to procure the same for the county by purchase or exchange for other grounds or otherwise. And in the event of the superintendent encountering impossible difficulties in erecting the building at the place here designated, that he then exercise his discretion in selecting of another site on the public square."

"William Jewell, superintendent of the new court house produces to the court a plan of the same, with the dimensions thereof, a description of the materials of which it is to be composed with an estimate of the probable costs thereof which are approved and adopted by the court. And thereupon it is ordered by the court that the sum of five thousand dollars be, and the same is hereby appropriated out of any money in the treasury, or that may hereafter come to, and not otherwise appropriated for said object fifteen thousand dollars."

On February 7, 1846, the court made the following order:

"Ordered by the court that the sum of one thousand five hundred dollars be appropriated out of any money in the county treasury for the erection of the new court house in addition to the appropriation heretofore made for that purpose."

On March 4, 1846, the following entry appears:

"William Jewell, superintendent of the new court house, submits to the court the plans of the same and the specifications drawn out in detail together with the obligations of the contract for building the house, all of which is approved by the court."

On Monday, November 22, 1847, court met pursuant to adjournment. Present, Alexander Persinger, John Van Horn, James W. Daly, Warren Woodson, clerk, Thomas C. Maupin, Sheriff. The following order appears at book "H", page 329.

"William Jewell, superintendent of the court house, comes into court and files his report in reference to the execution of and final completion of the building whereby it appears that the whole of the work contracted for excepting some small items have been accepted

according to contract and received by him of the undertakers. The court thereupon prepared to ascertain the amount due by the county to the undertakers."

When the court house was thus completed and accepted by the county court, there was no clock in the cupola and none was provided until 1859, when the Honorable James L. Stephens raised by subscription, paying the larger part himself, an amount sufficient to purchase a clock and have it put in the cupola where it ever since and now remains.

The first term of the circuit court was held in the new court house, commencing March 20, 1848. Honorable William A. Hall, judge, Thomas C. Maupin, sheriff, and Robert L. Todd, clerk.

A grand jury was empaneled and sworn as follows, to-wit: Joseph B. Howard, foreman, Richard H. Gentry, Levi T. Smith, Clavin Asbury, Marshall Stevens, Willis Angell, William Boggs, Daniel Lunes, Thomas Harris, Enoch C. Orear, Richard Lanham, Lamuel Pace, Edmund Forbis, Harvey G. Berry, Austin Bradford, Daniel Mourning, Warner Phillips, who having received their charge retired to their room.

This term of court lasted twelve days and there were one hundred cases on the docket. Among them was a murder case, a number of important civil suits, and several indictments for playing "Jim Crow".

From this until the last term of court before the war, a large number of important civil and criminal cases were tried. And in their disposition were employed a large number of the ablest and most eloquent members of the Missouri bar.

The court house before the war was used for all purposes. In 1851, a project for building a plank road from Glasgow, via Columbia, to St. Louis was gotten up, and a number of meetings favorable to the enterprise were held in the court house. For lack of support in other counties the project failed, but Boone county was not willing to let the matter rest, and by meetings held in this building organized and built a plank road from Columbia to Providence.

In 1853, a number of interesting meetings were held in this building where by the county court, through the influence of Major James S. Rollins, Gen. Odon Guitar, and Col. Wm. F. Switzler, were induced to make an order submitting to the voters of Boone county, a proposition to give one hundred thousand dollars to the North Missouri railroad, provided it passed through Boone county. The proposition carried and the railroad was built and is now known as the Wabash railroad.



RALPH T. FINLEY

Business of all kinds was transacted in and front of the court house. All land sales and the renting of land, the selling and hiring of negroes was held in front of the court house. At public outcry to the highest bidder, such sales, rentals and the hiring of negroes were usually held on the first day of January of each year, although numerous sales were held at other times.

In these days Columbia did not have an opera house, and but few traveling troupes visited the town. The entertainments were furnished in the court house by local talent and were in the main better than the imported variety. Col. Samuel A. Young, Capt. Sinclair Kirtley, Gen. Odon Guitar, John F. Baker and B. F. Venable were the principal actors in those home talent entertainments, and Robert L. Todd and Col. Switzler were the leaders in the "Columbia Lyceum", which was the ante bellum debating club. The first public library in Columbia was kept in this old court house about 1855, and Warren Woodson was president of the association, and Thomas B. Gentry was librarian.

As there were few churches in the county, religious services were frequently held in the court house, and held by all the different denominations. Inspired and uninspired statutes have been considered and interpreted.

Politics of all kinds, town, county, state and national, all held full sway in the court house. Notably among these was the Mormon question, in which excitement ran high, and even preparations for war were made. But the most serious question of politics that was discussed in the court house, was the Kansas and Nebraska question, which grew to such an extent that actual preparations for war was made, and the county court was asked for an appropriation of five thousand dollars to defray the expenses of sending a company of men who had been organized and equipped by the citizens to Kansas to aid in putting down the abolitionists. The slavery question, however continued to grow in interest, until it became the controlling issue in the presidential campaign of 1860, which resulted in the election of Abraham Lincoln, the abolition candidate. As soon as his election became known, a large portion of the South contemplated secession, and here again the court house was used as the meeting place to discuss what Boone county and the state of Missouri should do. Unfortunately, peaceful measures failed, and war was determined upon to settle the issue.

I am loath to part company with this building, where for more than a quarter of a century I have been learning and practicing law. Its associations cover the better part of my life. In bidding it good bye,

I wish to say I shall always remember it pleasantly, and as one of the finest specimens of architecture of its kind in the west. And I am glad to know that its beautiful Tuscan columns are to be preserved, and will stand as a monument to the achievements of the past, and will serve to connect it with the present and the future.

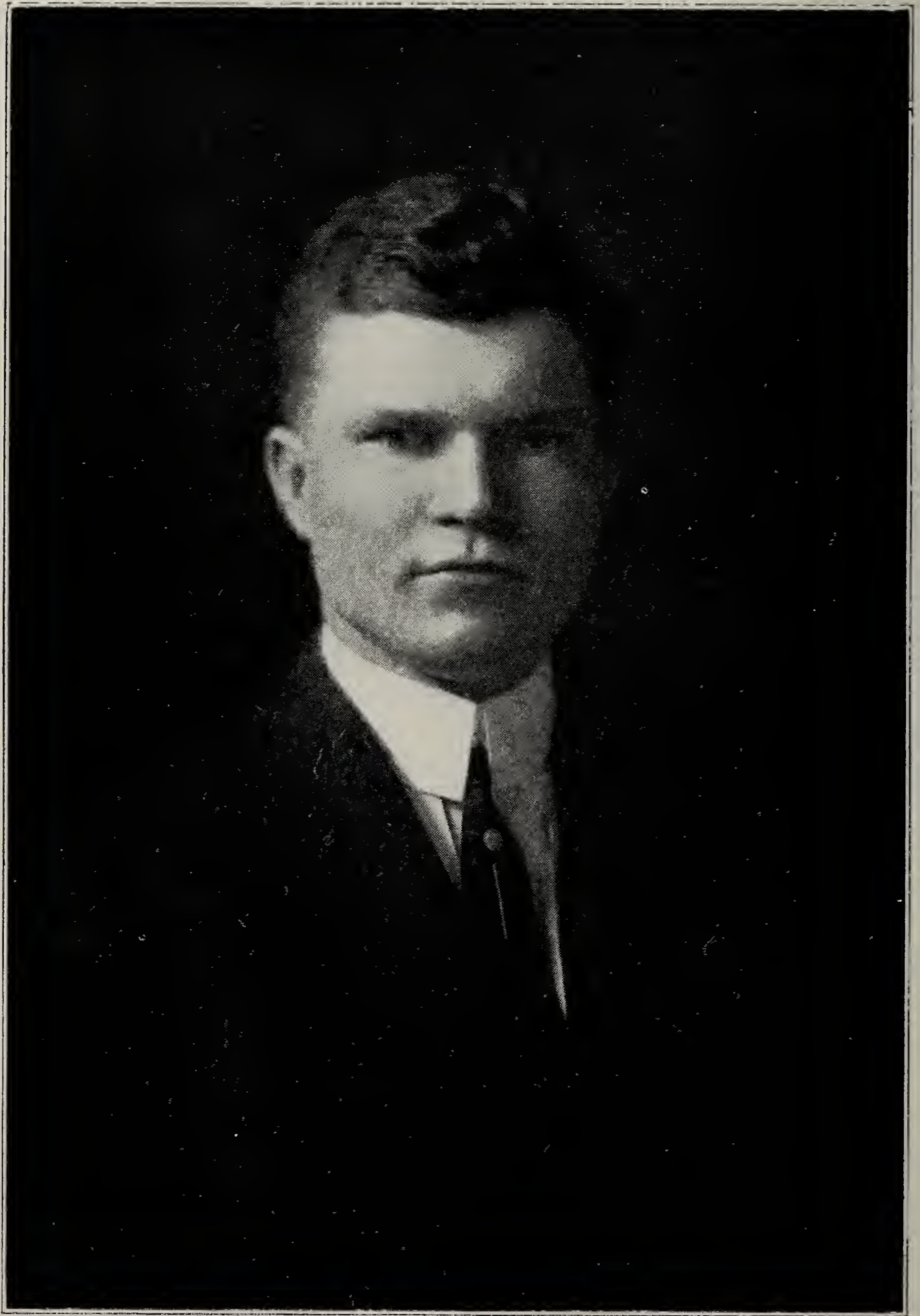
GORDON AND GUITAR

Address delivered at the Boone County Bar Banquet, at Gordon Hotel, Columbia, Mo., March 21, 1908, by N. T. Gentry.

It is eminently appropriate on an occasion like this for us to mention the names and recall the virtues of those of our number who have recently passed away. During the twenty years next month since I was admitted to practice in yonder old court house, we have lost by death many of our honored members, some of them holding judicial positions, while others were still in the active practice. In the former class may be mentioned Judges Philemon Bliss, Geo. H. Burckhardt, John Hinton, Alexander Martin and Jno. A. Hockaday; and in the latter class may be mentioned W. A. Bedford, Wm. P. Coleman, Geo. H. Barnett, Jerry H. Murry, M. M. Jesse, Ev. M. Bass, Carey H. Gordon, J. DeW. Robinson, Wirt J. Warren and Squire Turner.

Since last we met around our banquet table in Columbia, death has claimed two of the leading members of this bar, and I might truthfully say two of the leading lawyers of Missouri, Mr. Wellington Gordon and Gen. Odon Guitar. Seldom have we been called upon to mourn the loss of two of our number in so short a time as that between the death of Mr. Gordon, which occurred on March 3, 1908, and the death of Gen. Guitar, which occurred on March 13, 1908. At the time of his death, Mr. Gordon was seventy-two years of age, and Gen. Guitar was eighty-two. Gordon and Guitar were lawyers of the old school—the connecting link, as it were, between the past and the present in our profession. They were orators, and in their palmy days were worthy to contest with any of the sons of Blackstone. Each of them was conscientious, and of each it may well be said that honesty and fair dealing at all times were of first consideration.

Mr. Gordon, everywhere known as “Wax” Gordon, came of a family of lawyers, and well did he maintain that family’s standard of legal excellence, both in his private practice and while he served Boone county as prosecuting attorney. The old citizens of this community have often told me that his father, Hon. John B. Gordon, was a natural-born political leader and an orator, whose eloquence



LEE WALKER

not only captivated juries and voters but swayed legislators in five general assemblies of our state. His brother, Hon. Boyle Gordon, jurist, legislator and law instructor in the Missouri State University, was his partner in the practice of law for many years, and his partner in confidence throughout life. Had he searched the land through he could not have found a more congenial partner, or a better counselor in life's conflicts than Judge Boyle Gordon. Another brother Carey H. Gordon, whose loss we mourned less than three years ago, was also a lawyer; and served his country as an officer in the state militia during the Civil War, and afterwards as prosecuting attorney for three terms, with credit to himself and with satisfaction to his people. And I will also mention another lawyer member of his family, his uncle, Hon. James M. Gordon, county judge, state senator and circuit attorney, whose picture for many years past has appropriately adorned the walls of our county court room. Wellington Gordon was a kind-hearted man, too good to others to be a successful financier. Time and time again has he given legal advice and appeared in court to represent persons, who never paid him a cent, and from whom he never expected any fee. When I was a young lawyer, he stated to me on one occasion that there was something else in the practice of law besides making money out of it; and this seemed to be the motto of his professional life. Mr. Gordon was a student of law, and carefully investigated all the authorities pertaining to every case. As a result, when the time came for argument and for the presentation of instructions, he had a "thus saith the court" on every point connected with the case. He had a great knowledge of the law, and was able readily to apply its principles. He was also a good speaker, and was ever ready with a familiar and taking illustration. When he was in good health and interested in the case, his argument was pointed and winning. Never did he forsake a client, not even those who mistreated him. For many years, he was the honored president of this association, and his relations with us and our visiting brethren were of the most friendly character. When he was convinced that any person was his friend, Wax Gordon remembered that friend, and remembered him till death. His word was as good as his bond; and, in all my practice with him, I never found it necessary to have an agreement with him reduced to writing. He always did what he promised to do, in business, in law and in politics. When selected, as he was a number of times, as a delegate to the democratic state, congressional and judicial conventions, he supported the choice of his people, and voted for that choice first, last and all the time. Briefly stated, he was an old-fashioned honest man, who acted his part in life with becoming modesty.

General Guitar was a familiar character in central Missouri for over fifty years. He too was president of the Boone county bar. He was a man with a warm heart, but of strong convictions, and never tried to get on the popular side of any public question. As a lawyer, a political leader, a citizen, and a soldier in two wars, he had no superiors; and few, if any, equals. Many years at the annual reunion has he entertained the Mexican War veterans (he being one of them) with interesting and thrilling stories and reminiscences of the hardships and victories connected with General Doniphan's wonderful expedition. And at the annual encampment of the G. A. R., he was ever a welcome member, and his comrades have alternately wept and laughed and his audience has applauded as he described the military achievements of the famous Ninth Missouri regiment, which regiment was fortunate in having him for its commander. It has been my great pleasure to hear General Guitar deliver addresses to the old settlers of Boone county, to Missouri University alumni, of which he was one, and to the people of Columbia, on many occasions, when he vividly told of the trials and triumphs of our pioneer ancestors. He gloried in the farsightedness and patriotism of our forefathers, and many, many times has he paid them eloquent and merited tributes. As a legislator, as provost marshal of western Missouri during the Civil War, as mayor of Columbia for many years, as president of our school board, as a member of the state republican committee, as chairman of the county republican committee, as the nominee of his party for attorney general and as the nominee of his party for congress in two campaigns, General Guitar convinced the people that he was a statesman, and a political leader of ability and integrity, as well as a conscientious and public-spirited servant of the people. But the greatest work done by our departed brother was at the bar, which work he seemed to thoroughly enjoy. I regret that my time is so limited, for I would like to talk to you on this part of his life for hours. Interesting and amusing incidents connected with his practice in Boone and adjoining counties, if collected, would easily fill volumes. In the statement of his case to the jury, in the cross-examination of the witnesses and in the final argument, General Guitar had no parallel in his profession. Especially was he fine in criminal cases, and in cases involving the question of fraud. He always entertained the court, the jury, opposing counsel as well as the other listeners in the court room and his arguments invariably brought to his clients a favorable verdict. Such logic, wit and sarcasm as his speeches frequently contained were seldom heard in any court room; and his pathetic appeals have brought tears to the eyes of jurors and specta-

tors alike, and have saved many an erring brother. He was an aggressive man, did not know the meaning of the word "surrender" and possessed a constitution that never seemed to tire. Not only did General Guitar entertain auditors and convince jurors by his almost magic power, but, by the delivery of the same argument, he has more than once captivated judges of the court of appeals, and judges of the supreme courts of our state and of our nation.

It is a circumstance worthy of mention that Mr. Gordon and General Guitar were first cousins, and were associated together in the trial of cases a great many times. Never were two lawyers better suited to and for each other; the one was the complement of the other. And while neither one has been engaged in the active practice for some time past, old age and ill health having prevented, yet we older lawyers well remember the sterling qualities possessed by both of them. Another feature of the character of these men is worthy of mention. It is this: They were never jealous of the young lawyer, who gradually worked into the practice and eventually secured their clients. On the contrary, they encouraged the youthful competitor and assisted him in every way. Let us, tonight, as we recount their long and useful careers, resolve that we will imitate the good in them, and try, as they continually tried, to uplift the legal profession and to be charitable to all men. Gentlemen of the bar, because of their worth and unselfishness, because of their prominence and the deeds which they accomplished, the name of Wellington Gordon and the name of Odon Guitar will not and should not soon be forgotten, either by the people of Boone county, or by the people of Missouri. With propriety, therefore, may we say of each of them, "Tried, true, trustworthy friend, we respect, we love, we honor thy memory."

JUDGE JNO. A. HOCKADAY

Address delivered in circuit court, January, 1910, at the presentation of picture, by Hon. F. G. Harris.

Since the erection of this magnificent court house, which certainly is a credit to the people of our county, friends and relatives have presented, and had suspended from these walls, portraits of men who have been honored by the people of this county and whose lives are a part of its history, as follows:

Peter Wright and Geo. E. Flood, who served the county as surveyor; James M. Gordon, Alexander Persinger, David Gordon, Wm. F. Roberts, W. S. Wilson, C. C. Turner, S. N. Woods, and Jno. S. Bedford, who served the county as judge of the county court; War-

ren Woodson and General Joseph B. Douglass, who filled the office of clerk of the county court; R. B. Price, who filled the office of treasurer; Roger North Todd, and Robert L. Todd, who served as clerk of the circuit court, and David Todd, who was the first judge of this circuit court. We are here today to present, on behalf of the family of the late Judge Jno. A. Hockaday, a portrait of him. In doing so, I desire to say that I became personally acquainted with Judge Hockaday when I began to try to practice law in 1898, and from the time I first knew him personally, I admired him as a lawyer, as a judge and as a citizen above most of the men of my acquaintance. He was more than liberally endowed with that fund we are wont to term common sense, a great lawyer, an industrious student of law, and believed in the administration of justice without malice and without favoritism. He was thoroughly and highly educated, and to these things he had added the benefits derived from a much varied experience, for his was a busy life. He was a man whose whole life was devoted to his family, his home, his church, and the best interest of his state. He was a citizen of the highest type; he never shirked from duty, never shrank from responsibility, but was ever ready and willing to give his time, his tireless energy and his thought to the service of his state and nation.

He was a lawyer of profound ability; an able, fearless, unbiased, conscientious and merciful circuit judge; and in all a Christian gentleman. In his removal from the circuit bench, our county and our circuit sustained an irreparable loss. But he lives in the hearts of the people of this county today, and in our hearts and minds he will ever live.

As state senator, as attorney general of Missouri, as curator of the state University and as circuit judge, Judge Hockaday left a record that is excellent. As a citizen of Callaway county, as president of the board of trustees of Westminster College, as a member of the board of managers of the state deaf and dumb institute, as a delegate to the national democratic convention, and as one of the Missouri presidential electors in 1888, Judge Hockaday showed himself to be the friend of education, and a philanthropist of the highest type, and a good citizen always interested in good government.

So I think it fitting and eminently proper that a portrait of him should be suspended from these walls, and on behalf of the family of Judge Hockaday, it gives me much pleasure to present to the people of this county and in this court where he presided with so much distinction, this portrait of him in whose memory and honor we speak today.



D W. B. KURTZ, JR.

Shortly after the death of Judge Hockaday, Col. S. Turner used the following appropriate language: "The state has lost a great public servant; society, a mainstay and an ornament; the bench and bar, one of their chief exemplars; his family, a model husband and father, uncle, brothers and all human kind a friend. His sun has set, but its golden twilight will linger long, for

'Were a star quenched on high
For ages would its light,
Still traveling downward from the sky
Shine on our mortal sight.

'So when a great man dies
For years beyond our ken
The light he leaves behind him lies
Upon the paths of men.' "

JUDGE ALEXANDER PERSINGER

Extract from address delivered before old settlers association of Boone county in 1898, by Col. Squire Turner.

Perhaps Judge Alexander Persinger had the strangest, the most unique life as well as an illustrious career upon the bench and as a legislator. Judge Persinger never knew what his family's real name was, and thereby hangs a romance.

Way back in 1757, when a party of Virginians had surprised a tribe of the Shawnee Indians in the French and Indian War, it was found that among the defeated red men was a mere boy, a white boy at that, who had been so long among the Shawnees that he was to all intents and purposes an Indian. The Indians either did not know or would not tell who he was. The boy manifested his preference for his Indian friends and would doubtless have been permitted to stay with them if Jacob Persinger, a man of substance and reputation in Botetourt county, had not ended all discussion by adopting him. Jacob Persinger gave the Indian-white boy his family name. The boy grew to manhood, prospered, became influential, bore a prominent part in the Revolutionary War and in 1790 became the father of Alexander Persinger, who after a long, honorable career, died in Columbia on September 12, 1875, at the home of his daughter, the late Mrs. James E. Johnson.

Judge Persinger left Virginia in 1811 and went into the Kentucky-Tennessee region. When the call for troops came in the war against

England the next year he was one of the first to volunteer. He served through the two and a half years of the war with distinction and soon after peace was declared, went to the Indiana and Northwest territory. Judge Persinger left Illinois, at that time a part of that territory, in 1815 for what is now Montgomery county, Mo., where he lived for twenty years. He was the first county judge that Montgomery county ever had, if not the first legally appointed or elected county judge in Missouri, having been appointed to that position by the governor in 1821. He also represented Montgomery county in the state legislature.

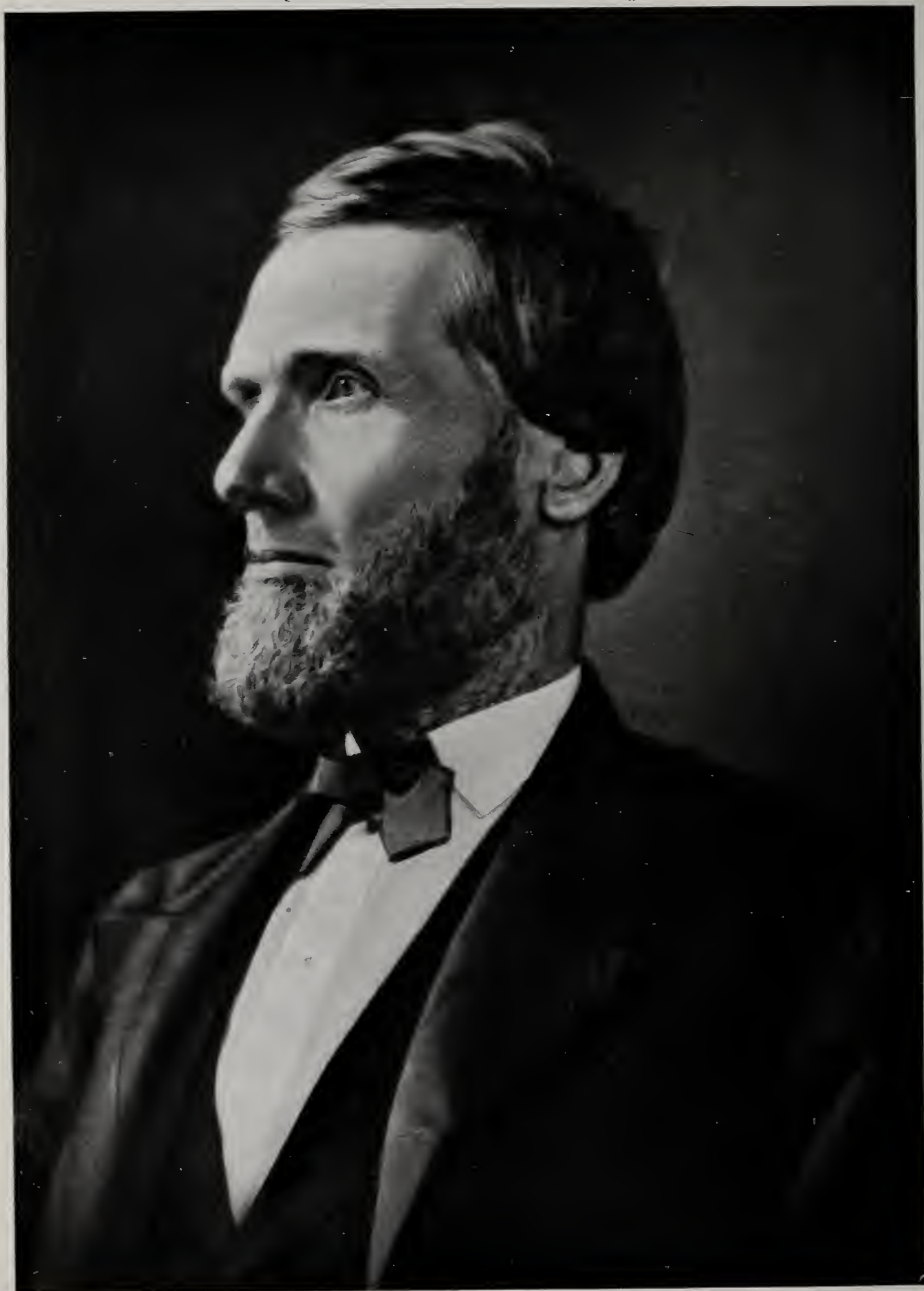
In 1835, Judge Persinger removed to Boone county where all the rest of his life was spent. He served the county eighteen years as presiding judge of her court and never once ran for office. He also represented the county twice in the legislature.

Judge Persinger's only daughter married the late James E. Johnson, of Columbia, who lived to the advanced age of ninety-three, and was always an active business man. Mrs. Johnson left behind her two daughters, Mrs. Annie Quarles and Mrs. Luther H. Rice, who are the only lineal descendants of the man whose origin has been one of the mysteries of American history.

A lawyer from Pennsylvania was once in Columbia attending to some business, and a public function was given, at which Judge Persinger made a speech. His talk was so sound and his personality so great that the lawyer said to a number of people: "If we had such a man as Alex. Persinger in Pennsylvania, we would send him to Congress and keep him there the rest of his life."

In writing about Judge Persinger, Dr. W. T. Lenoir said: "Young men of Missouri, whenever, with uncovered heads, you look upon the portrait of Judge Alexander Persinger in the Boone county court house and think of his long useful life, his spotless reputation and pure character, may you be possessed with a hungrying and thirsting after right living and a firm resolve to emulate his many virtues."

On September 5, 1860, Judge Persinger made a farewell address to the county court, which was considered so appropriate it was ordered spread upon the record of the court and published in the "Missouri Statesman" (see county court record Book "M", pages 463-5). In this address, Judge Persinger tells something of his father's early life and captivity, as well as his own official career.



JUDGE JAMES HARRIS

JUDGE DAVID TODD

Address delivered in circuit court on January 10, 1910, at the presentation of picture, by Hon. E. W. Stephens.

As a people advance in the scale of civilization and progress they memorialize on canvas or in marble those who have shed luster upon their history. We are approaching the close of the first century of this county and it has been determined to follow the example of more ancient sections and to preserve in perpetual honor those who have distinguished themselves in public service, who are entitled to an illustrious place on account of their achievements. It is proper that, with the completion of this handsome new court house, we should begin to pay tribute in some substantial and appropriate form to those who have contributed to the honor and glory of our people.

There is an eminent appropriateness that the first contribution to this list of memorials should be the portrait of the first judge who presided over this court and who for twenty years held that position with a fidelity and an ability that gave his name to history as one of the many great men who have shed luster upon the jurisprudence of Missouri.

The presentation of this portrait recalls those pioneer days the history of which is a thrilling story of romance and courage and adventure. The portrait which I have the honor to present is that of Judge David Todd, and the presentation is made by his descendants some of whom yet survive, and are honored residents of Missouri.

Judge Todd was born in Lexington, Kentucky, on March 28, 1786, and came of revolutionary stock, his father having been Levi Todd who was a general in the Revolutionary War; and Judge Todd was himself a soldier in General Harrison's army in the War of 1812. In 1817, when he was but thirty-one years of age he removed to Missouri, then a territory, and located at Franklin, that marvelous pioneer city situated in Howard county opposite Boonville and whose population contained so many men of culture and ability who afterwards became distinguished in various spheres of life.

Soon after his removal to Missouri he was appointed territorial judge by President James Monroe, and upon the admission of Missouri into the Union he was appointed by Governor Alexander McNair, judge of this circuit, which then extended from St. Charles to the present western limits of Ray county. At that time Missouri contained only 70,000 inhabitants, and all this region was a sparsely settled one, the abode of wild beasts, and of a hardy, intrepid, and in some respects, a turbulent population. Those were perilous and thrilling times and the administration of justice required the exercise of the highest cour-

age and the most strenuous qualities. Judge Todd "rode the circuit" and shared the privations of that primitive period. Such was the ability and acceptance with which he discharged his duties that he held this office till 1837, and he made a record of ability and devotion to duty which form a bright page in the judicial history of our state.

He held his first court in Boone county soon after the county's organization on April 2, 1821, under the branches of a spreading sugar tree in the town of Smithton, now a suburb of Columbia just a mile west of the site of this structure. Overton Harris was the sheriff, and Hamilton R. Gamble, afterwards governor of Missouri, was the circuit attorney. John F. Ryland and Abiel Leonard, afterwards judges of the supreme court, were in attendance upon this first term of court. Roger North Todd, his brother, and the grandfather of our fellow townsman N. T. Gentry, was circuit clerk; and Peter Bass was foreman of the grand jury. Judge Todd held court after the removal of the seat of justice to Columbia in the first court house erected here, and which stood just in front of this building.

Upon retiring from the bench, Judge Todd entered upon the practice of the law in a copartnership with the late Capt. Sinclair Kirtley, and continued to reside in Columbia until his death. A son, Judge Robert B. Todd, one of the first graduates of the Missouri State University, was for a number of years judge of the supreme court of Louisiana.

Judge Todd was a fine type of the pioneer jurist of the high order. As a judge, he held first rank, and he died in 1859, leaving a stainless and an honored name.

The genius of the artist, Genl. Geo. C. Bingham, has admirably preserved his features unto this day. His face as shown in this photograph indicates a high intellectuality and that he was a fine representative of the great men of the pioneer period. His expression is indicative of culture, purity and power. We respectfully ask that this picture be suspended upon these walls, that posterity may not only honor his name, but behold the type of men who gave the first impulse to civilization in this great commonwealth.

May I also express the hope that it be followed by the portraits of his successors, a line of able and honored men, each one of whom has left a record for fidelity and ability which is a source of pride and honor to our people. May their noble virtues ever be an inspiration and an example to those who may hereafter occupy the seat which they so honored and adorned, that this beautiful temple of justice may be ever worthy of the motto upon its entrance: "Oh! Justice, when expelled from other habitations, make this thy dwelling place."

THE OLD BOONE COUNTY BAR

At the banquet given to the State Bar Association at the Gordon Hotel, in Columbia, in June, 1902, Judge Jno. F. Philips, of Kansas City, responded to the toast, "The Old Boone County Bar". He said in part:

Gentlemen, if you are expecting mere humor or wit, you may be disappointed. My mood, tonight, is sentimental, for my heart is full.

Whenever my feet touch the soil of old Boone I feel like exclaiming with the undaunted Scott: "My foot is on my native heath, and McGregor is my name." When this state was yet a territory, my father and mother, in a rude two-horse wagon, drove through, from Kentucky, the dense forest where now stands this beautiful city and splendid seat of learning. They pitched their tent thirteen miles westward where my eyes first saw this world, in all the sweetness and charm of its naturalness. This afternoon, in a carriage with my friends, I drove about this city, amid associations of "the May of youth and bloom of lustihood". I saw the old homes, with their velvety lawns, flowers and stately elms, and the pastures of emerald, luxuriant grass. I visited the beautiful city of the dead, the slabs, shafts and monuments that mark the perpetual rest of the noted men and women who made the history of Columbia. I read the names of so many, dear to my memory, who had put on their robes and gone to their peace.

I drove to the eminence, and halted in front of the old Jefferson Garth mansion on West Broadway, from which, back in the forties, my eyes caught the first glimpse of the University. I can never forget the feeling of awe and wonderment excited by the imposing columns of the portico. The sight of the Pantheon, in later years, was tame in comparison. The six columns, which today stand as mute sentinels in front of the modern, and more imposing structure, seemed to my mind to prop the very temple of fame, which "shines afar". I wish here and now to render unto Gardiner Lathrop the just mead of praise and gratitude for his noble work of influence in preserving, for the eyes of every student of the University, those columns as a reminder of the old college building, so ruthlessly licked up by the devouring flames.

It has been just fifty years since I matriculated in the state University. And although I claim Center College, Kentucky, as my Alma Mater, I have not outlived my first love. I return here, in a green

old age, to lay at her feet the richest, golden sheaf of the harvest of life as a grateful, votive offering.

The rude winds of fifty winters have swept beyond the river of time every member of the faculty here during my brief term. The old college building has gone to ashes with them. But the college lawn remains, in all the glory of nature and art, with dew on the grass and diamonds in the dew.

“And the young moons of April and the young girls of old,

How they come flocking to the heart like lambs to the fold;”

As I was in “the epoch of the watery eye and the educated whisker”, when I first entered the University, I was sick at heart over “the girl I left behind me”. How like a vision of beauty, a very angel in dimity, she floats before these dimmed eyes; I see her pale hair, just touched with the golden hues of the sun, her eyes reflecting the azure of the skies; her cheeks, where the dimples came and went like ripples on the placid lake, fanned by gentle breezes; her lips like two roses blooming on the same stem; a laugh as full of melody as summer woods full of singing birds; a step as lithe as the fawn’s, and a breath as sweet as odors wafted from the gardens of Hesperus. Her name was Julia, but she had red hair. How hard and dull was my mathematics, with its equations; and Caesar, with his “*Omnia Gallia divisa est in partes tres*”. My soul was for poetry, and I ransacked the volumes of poetical quotations in formulating my first letter to that girl, with malice prepense to take her in the liquid amber of speech. How I hung around the post office, at the incoming of the old swinging stage, in consuming expectancy for an answer to that letter. I came to the conclusion that Mrs. Richard Gentry, who was then Columbia’s post mistress, was derelict in duty in not delivering my letter. But the old stage came and went, and the days lagged by, and no letter came. Fortune favors him who waits, as well as the brave. One bright Saturday morning the letter came. I recognized the hand that addressed the envelope. I put it in the pocket nearest my heart, and sought the solitude of nature, as the silent witness of my ecstasy. I hastened to the University campus and concealed myself behind an old cottonwood tree, to the southwest of Academic Hall, which still lives as witness to that scene. I sat down beneath its wide spreading branches, and leaned against it for support, for I was growing weak under the nervous strain. All nature seemed to be *en rapport* with my happy self. The sky was, of course, cerulean, and the trees were gorgeous in the vari-colors of autumn.

“The jaybird sat on a swinging limb

He winked at me and I winked at him.”

The gloriously red-headed woodpecker, as he played his beak on a dead tree hard-by, seemed to be keeping time with the beatings of my heart playing a tattoo against my ribs. Deftly, but cautiously, I broke the seal of the letter, so as not to rend the mucilage, for I wanted to press that mucilage to my lips, as I knew she had licked it with her red tongue. Out came the letter, and sad to relate, it was only my own letter returned to me! When I looked up, it seemed as if that same jaybird was taunting me, and I tried to kill it with the first club in reach. I started to tear that letter into shreds, when my eyes caught something scribbled on the margin. It was "I Chron., ch. 19, v. 5, last clause". For the first time since I left home I recalled the fact that my dear old mother had placed in my trunk a Bible, with the injunction, "Search the Scriptures". With hope still alive in this human breast, I hastened to my room at Judge Warren Woodson's, which building is yet standing in the beautiful lawn just East of the University campus, and got out that Bible, and turning to I Chronicles, chapter 19, verse 5, last clause, I read: "Tarry at Jericho until your beard grows out, and then return." My beard soon began to grow, but I did not return soon.

After a year at this University I went to Center College, Kentucky, where I tarried for two years; and after I read law one year, or so, I met that girl, the mother of two red-headed boys and "the rise"; and seeing what a narrow escape I had made, I was persuaded that that red-headed woodpecker should ever be regarded as a bird of good omen, sounding a note of warning! Possibly that experience caused me not to return to Columbia, but to "hang out my shingle" at Georgetown, in Pettis county.

Having in mind the destiny of a lawyer while I was attending the University, I took special interest in looking on, at every opportunity, at what was going on in the Boone circuit court, often when I was supposed to be studying. And I have a vivid recollection of the leading members of the bar in ante bellum days, as I saw them in the old court house in this city.

I recall the two Gordon brothers, James M. and John B. Gordon; the latter always known as Jack Gordon. James Gordon was a strong lawyer, well versed in the principles of the common law. He was not an attractive orator, but what he lacked in eloquence he made up in rugged force and plausible argument. He was a man of exalted character, universally liked by the bar and the people, and wielded great influence with juries and the court. Jack Gordon was a remarkable man, popular with the people, and all the people; he was conversant with the law and its rules of practice, and a brilliant and

forcible speaker. In the days of his lustihood, he was the Demosthenes of the bar.

Here, too, in the full-armed vigor of his splendid manhood, was James S. Rollins, "from spur to plume a Knight Templar". He was the mentor of this University, and was one of the most persuasive and fascinating advocates to whom I have ever listened. He was so urbane, deferential and plausible as to make him quite irresistible. His suave dignity, splendid delivery and bearing, marked him as one to be respected and admired. At the bar, as on the hustings and the platform, he was one of the most accomplished orators of the state.

General Guitar was the knight errant of the bar. His oratory was of torrential quality. His zeal, enthusiasm and aggressiveness made him dreaded by some and respected by all. He was the terror of the opposing litigant; and, when he appeared in a case of importance, where there was unusual feeling present, he drew an audience to the court room, as something spectacular was expected. He was, however, more than the fiery advocate; he was a good lawyer, well posted on the law and facts of his case. His impassioned speech and aggressive manner often stirred my young heart. He was a brilliant lawyer, brave soldier, and unswerving patriot, who yet "stands against time like an obelisk fronting the sun". All hail to the imperishable Frenchman—Odon Guitar! May he, like the aloe plant of Old Mexico, where he carried so gallantly the American flag on Doniphan's expedition, bloom at the century mark.

Samuel A. Young was the picturesque member of the bar, possessing rare brilliance and a wonderful vocabulary. He was a natural-born actor, and could have been a star on the stage of any play house. So versatile was he that he shown as well on the wrong as on the right side of a case. But he lacked that sincerity and deep conviction so essential to the successful lawyer.

Lewis W. Robinson, always called Luke, was an unpolished nugget of much pure gold. He was not a great lawyer or accomplished advocate; but he was resourceful, astute, with a homely way of presenting his case that made him impressive, and he was a man to be reckoned with by any opponent.

Then there was that prince of gentlemen, David Todd, the first circuit judge of the first judicial circuit of our state. As a counselor, Judge Todd was a man of great ability, and as a drafter of pleadings and legal papers, he possessed great clearness.

The Boone county bar presented foemen worthy of the steel of the visiting knights, and the Boone circuit court was attended in those days by some of the best lawyers in the state. From Fayette came

Abiel Leonard, the Nestor of the bar in central Missouri, the scholar, jurist, and gentleman, *sans peur et sans reproche*. General John B. Clark, who was afterwards my preceptor, an imposing figure, whose graceful gestures were the very poetry of motion, whose inexhaustible supply of tears, from his lachrymose eye, won many verdicts from juries. And although not burdened with "black lettered wisdom", he knew men and much law, and was a power in his day. Col. Jo Davis, a walking compendium of Blackstone, Coke, and Chitty on Pleadings, believing that all this new corn cometh from the old fields. Robert T. Prewitt was prosecuting attorney of the circuit. He was erudite, methodical, clean, and always knew what he wanted and what he was doing.

From Boonville came the two kinsmen, the opposite of each other in their personal characteristics, Peyton R. Hayden and Wash Adams. Hayden was the very impersonation of old Sarkasm portrayed in the *Flush Times of Alabama*. When he flipped his cue with his right hand, until it came around like the swish of a horse's tail in fly time, it was known that some witness or the opposing counsel was going to receive "a lambasting". Judge Adams, on the contrary, was rugged, imperturbable, dignified, and ever pregnant with the law of the case in hand, a dangerous adversary. Then there was Charles H. Hardin, afterwards governor of Missouri, and one of Missouri's greatest men.

The court was presided over by Judge William A. Hall, of Randolph county, who was the model trial judge—stern, without affectation or offensiveness; dignified enough, without ostentation; a clean-cut intellect, quick of perception and exact in his analysis. He dispatched the business of the court with rapidity, for he possessed that admirable quality of the *nisi* judge, of never hanging in the mid-air of doubt or uncertainty, in passing on questions of evidence and law, but deciding at once and for aye. He was quick to grasp the salient point, and so incisive and clear in his pronouncements as to make it seemingly right and decisive. His conception of the judge was that the law is laid upon his conscience. By him, I was examined in August, 1856, in open court, and commissioned by him as an "attorney at law". Taking a quill, he wrote out my commission with his own hand.

Gentlemen of the bar, in conclusion, I cannot repress another sentiment. The tendency of old age is to retrospection and isolation. But I am kept so busy, nowadays, with the live questions of law, and in such close contact with the most active members of the bar, that I have to keep my magazine of law brightly burnished, and keep up "with the procession". For forty-five years I have trod the path over which shines the gladsome light of jurisprudence. With you

and from you I have learned much of the law I know. And so often as I come off of my judicial perch and mingle with you on these occasions my heart kindles anew with the love of life. And when the banquet closes I recall the verse:

“The sweetness that pleasure hath in it
Is always so slow to come forth,
That scarcely, alas, to the minute
It dies, do we know half its worth.”

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